

Wednesday  
July 27, 1988

# Estuaries



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Title 3—

Memorandum of July 21, 1988

The President

## Determination Under Section 301 of the Trade Act

## Memorandum for the United States Trade Representative

Pursuant to Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411), I have determined that the Government of Brazil's failure to provide process and product patent protection for pharmaceutical products is unreasonable and burdens or restricts U.S. commerce. I intend to take appropriate and feasible action in response to this policy and practice of the Brazilian Government. For this purpose I am directing you, as the United States Trade Representative, to hold public hearings on which products of Brazil, from a list of such products accounting for about \$200 million in trade, are the most appropriate candidates for increased duties or other import restrictions.

*Reasons for Determination*

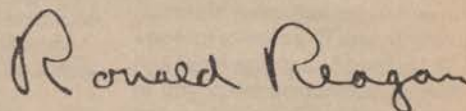
On June 11, 1987, the Pharmaceutical Manufacturers Association filed a petition under Section 301 of the Trade Act of 1974, as amended, complaining that the Government of Brazil denies process and product patent protection to pharmaceutical products. On July 23, 1987, the United States Trade Representative initiated an investigation in response to that petition (52 FR 28,223).

Although the United States sought a mutually satisfactory accommodation of our concerns through consultations, the Government of Brazil is not prepared to modify its laws sufficiently to provide adequate intellectual property protection for these important products. The resulting lack of adequate protection impairs the ability of U.S. firms to recoup the considerable investment necessary to discover and market pharmaceutical products. Moreover, lack of adequate patent protection reduces the incentive for future investment in research and development of new pharmaceuticals.

In response, I am determining that Brazil's policies and practices in this regard are unreasonable and burden or restrict U.S. commerce, and I intend to take appropriate and feasible action. I am directing the United States Trade Representative to hold public hearings on products of Brazil that are candidates for such action (through increased duties or other import restrictions).

I would strongly prefer that the Government of Brazil agree to provide adequate and effective process and product patent protection for pharmaceutical products. Our goal under Section 301 is to open foreign markets to U.S. trade and investment and to obtain adequate and effective enforcement of intellectual property rights; it is not to close our own market in response to unfair practices.

This determination shall be published in the Federal Register.



THE WHITE HOUSE,  
Washington, July 21, 1988.





# Rules and Regulations

Federal Register

Vol. 53, No. 144

Wednesday, July 27, 1988

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 734

#### Public Financial Disclosure, Conflicts of Interest, and Standards of Conduct for Federal Employees

**AGENCY:** Office of Government Ethics, Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This document makes final a procedural rule relating to administrative determinations with respect to revocations of trust certifications and trustee approvals for qualified blind trusts which have been certified by the Office of Government Ethics pursuant to Title II of the Ethics in Government Act of 1978. The rule provides that such certifications and approvals may be revoked subject to the procedure adopted, with the parties being apprised of the pendency of such action and the grounds upon which it is premised with an opportunity to present evidence and submit statements.

**EFFECTIVE DATE:** July 27, 1988.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Smith, 202-632-7642.

**SUPPLEMENTARY INFORMATION:** The Director of the Office of Government Ethics has found good cause for waiving the general notice of proposed rulemaking and the 30-day delay in effectiveness. This regulation is procedural in nature, exempt from 5 U.S.C. 553.

E.O. 12291

The Office of Government Ethics has determined that this is not a major rule as defined under section 1(B) of E.O. 12291, Federal Regulation.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a

substantial number of small entities because it only has an affect with respect to the qualified trusts of Federal employees.

### List of Subjects in 5 CFR Part 734

Conflicts of interest, Government employees, Trusts and trustees.

Office of Government Ethics.

Frank Q. Nebeker,

Director.

Accordingly, 5 CFR Part 734 is amended as follows:

### PART 734—EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

1. The authority citation for Part 734 continues to read as follows:

**Authority:** Titles II and IV of Pub. L. 95-521 (October 26, 1978), as amended by Pub. L. 96-19 (June 13, 1979) 5 U.S.C. Appendix 994; Pub. L. 98-150 (November 11, 1983).

2. The flush language following § 734.405(a)(2) is revised to read as follows:

#### § 734.405 Certification of trusts proposed for qualification; other matters.

(a) *General rule.* \* \* \*

\* \* \* \* \*

only if it is established to the Director's satisfaction that the requirements of section 202 of the Act and this subpart have been met and that certification in the case is in the public interest and consistent with the policies established by those provisions and other applicable laws and regulations. Certification shall be indicated by a letter from the Director to the interested parties or their representative. The certification of qualified trusts and the Office of Government Ethics' blind trust program are for the primary benefit of the public through ensuring the confidence of the public in the integrity of the Government's decisional processes and officials. The Office shall maintain a continuing assessment of the appropriateness of any certification which has been granted. Certification of a trust may be revoked pursuant to the rules of Subpart I of this part. The terms of a qualified trust are normally irrevocable. The terms may not be amended, except with the prior written approval of the Director upon a showing of necessity and appropriateness.

\* \* \* \* \*

3. Section 734.406(a) is revised to read as follows:

#### § 734.406 Independent trustee, defined.

(a) *General rule.* For purposes of this subpart, the term "independent trustee" shall include any person referred to in paragraph (b) of this section who, under all the facts and circumstances, is determined by the Director, Office of Government Ethics to be independent of any interested party with respect to a trust proposed for qualification under this subpart. Appropriate documentation to establish the independence of a proposed trustee or any other person to be designated in a trust instrument shall be submitted to the Office of Government Ethics in writing. Approval of a proposed trustee or any other person designated in a trust instrument to perform fiduciary duties shall be granted only if it is established to the Director's satisfaction that the requirements of section 202 of the Act and this subpart have been met and that approval in the case is in the public interest and consistent with the policies established by those provisions and other applicable laws and regulations. The Director shall indicate approval of a proposed trustee, and of any other person designated in the trust instrument to perform fiduciary duties including those of an investment adviser, by personal signature on properly executed Certificates of Independence submitted to the Office of Government Ethics in the form prescribed by Appendix A of this part. Certification shall be indicated by a letter from the Director to the interested parties or their representative. The approval of proposed trustees and other persons designated in trust instruments and the Office of Government Ethics' blind trust program are for the primary benefit of the public through ensuring the confidence of the public in the integrity of the Government's decisional processes and officials. The Office shall maintain a continuing assessment of the appropriateness of any approval which has been granted. Approval of a trustee or any other designated person may be revoked pursuant to the rules of subpart I.

\* \* \* \* \*

4. A new Subpart I is added to Part 734 to read as follows:



**Subpart I—Rules for Administrative Determinations With Respect to Revocations of Trust Certificates and Trustee Approvals**

- 734.901 Purpose and scope.  
734.902 Definitions.  
734.903 Determinations.

**Subpart I—Rules for Administrative Determinations With Respect to Revocations of Trust Certificates and Trustee Approvals**

**§ 734.901 Purpose and scope.**

(a) *Purpose.* This subpart establishes the procedures of the Office of Government Ethics with respect to its enforcement of the qualified blind trust, qualified diversified trust, and independent trustee provisions of Title II of the Ethics in Government Act of 1978 and the regulations issued thereunder (Subpart D of this Part).

(b) *Scope.* This subpart applies to all trust certifications and trustee approvals pursuant to §§ 734.405(a) and 734.406(a), respectively.

**§ 734.902 Definitions.**

For purposes of this subpart (unless otherwise indicated)—

"Senior Attorney" means the Office of Government Ethics employee designated as the manager of the qualified trust program.

"Trust restrictions" mean the applicable provisions of Title II of the Ethics in Government Act of 1978, subpart D of this Part, and the trust instrument.

**§ 734.903 Determinations.**

(a) *Apparent violations of trust restrictions.* Whenever the Senior Attorney has reason to believe that—

- (1) A violation of the trust restrictions.
- (2) A transaction or occurrence which is incompatible with the statutory scheme for qualified trust administration or applicable trust instrument, or
- (3) Facts and circumstances relating to the trust arrangement or the parties thereto which may bring the blind trust program into public disrepute through adversely affecting the confidence of the public in the integrity of the Government's decisional processes and officials.

May warrant the revocation of a trust certification or trustee approval previously granted pursuant to § 734.405(a) or § 734.406(a), respectively, he may, pursuant to the procedure specified by paragraph (b) of this section, review the matter and submit his findings to the Director with a recommendation concerning final action.

(b) *Review procedure.* In his review of the matter, the Senior Attorney shall—

- (1) Undertake such examination and analysis of the matter in issue as he deems reasonably appropriate;
- (2) Provide the trustee (and any other person designated in the trust instrument to perform fiduciary duties) and, if appropriate, the interested parties, with—

(i) Notice that (as applicable) revocation of the trust's certification or trustee approval is under consideration pursuant to the procedure provided for by this subpart.

(ii) A summary of the matter in issue which shall state the preliminary facts and circumstances of the transactions or occurrences involved with sufficient specificity to permit the recipients to determine the nature of the allegations, and

(iii) Notice that the recipients have an opportunity to present evidence and submit statements on such matter in issue.

Within ten business days of their actual receipt of such notices and summary or of the transmittal of such notices and summary by overnight postal delivery (or equivalent means) to their addresses of record within the United States; and

(3) Examine and analyze such evidence and statements on the matter in issue which have been timely submitted pursuant to paragraph (b)(2) of this section.

(c) *Determination.* In making his determination with respect to a matter under this section, the Director shall consider the findings and recommendations concerning final action of the Senior Attorney pursuant to paragraph (a) of this section, as well as the written record of the review of the matter pursuant to paragraph (b) of this section. The Director may, as he deems appropriate—(1) execute an order effectuating a revocation, (2) resolve the matter through such other remedial action as is within his authority, (3) order further examination and analysis of the matter in issue, or (4) set aside the recommendation of the Senior Attorney. If an order effectuating a revocation is executed, the parties to the trust instrument shall be expeditiously notified in writing. The notice shall state the grounds upon which the revocation has been premised; and (as appropriate), that the trust may no longer be considered a qualified blind or qualified diversified trust, as the case may be, for any purpose under Federal law, or that the trustee (or any other person designated in the trust instrument to perform fiduciary duties) may no longer serve in

any capacity with respect to the trust and must be replaced by a successor, subject to the prior written approval of the Director.

[FR Doc. 88-16833 Filed 7-26-88; 8:45 am]

BILLING CODE 6325-01-M

**DEPARTMENT OF AGRICULTURE**

**Office of the Secretary**

**7 CFR Part 6**

**Regulations Governing Allocations of Sugar Import Quotas; Other Specified Countries or Areas**

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Interim rule.

**SUMMARY:** This rule modifies the allocation provisions governing sugar import quotas for these countries or areas which are designated as "Other Specified Countries and Areas" (more commonly known as the "basket category"). This rule modifies the maximum quota allocated to each country in the basket category to provide countries or areas in the basket category with reasonable access to the United States sugar market, in light of changed circumstances affecting such access. Each such country will receive an annual quota equal to its pro rata share of the percentage quota for the basket category, or 8,000 short tons, raw value, whichever is greater.

**EFFECTIVE DATE:** July 27, 1988.

**FOR FURTHER INFORMATION CONTACT:** John Nuttall, Foreign Agricultural Service, Department of Agriculture, Washington, DC 20250, Telephone: (202) 447-2916.

**SUPPLEMENTARY INFORMATION:** This rule involves a foreign affairs function of the United States. Accordingly, the provisions of 5 U.S.C. 553 do not apply and no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule has been reviewed under Department of Agriculture procedures required by Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major" since the rule does not have any of the effects specified in those documents.

Presidential Proclamation No. 4941 of May 5, 1982 (47 FR 19661) established a country-by-country quota system for the importation of sugar into the United States. Under the import quota allocation provisions established under the Proclamation, each country was allocated a specific percentage of the quota if that percentage was .7 percent



or greater. A specified percentage of the total quota amount was allocated to a group of countries specified in the Proclamation and designated as "Other Specified Countries and Areas" (more commonly known as the "basket category"). The percentage allocation of the quota to the basket category was pooled and each country competed on a first-come-first-serve basis for the entire allocation.

Proclamation No. 4941 further provided that notwithstanding the allocation provisions set forth in the Proclamation, the Secretary may, after consultation with the U.S. Trade Representative, the Department of State, and the Department of the Treasury, issue regulations modifying the allocation provisions governing "Other Specified Countries and Areas" if the Secretary determines that such modifications are appropriate to provide such countries and areas reasonable access to the United States sugar market.

These allocation provisions were modified in an interim rule published in the *Federal Register* on August 11, 1982 (47 FR 34769) to provide that each country in the basket category would have a specific annual quota. Under that interim rule, each country received a quota allocation equal to its pro rata share of the quota allocation for the basket category, or 16,500 short tons, raw value, whichever was greater.

The interim rule (47 FR 34769) was adopted as a final rule with a modification and was published in the *Federal Register* on December 6, 1985 (50 FR 49919). The final rule modified the maximum level allocated to individual countries in the basket category. Each country received a quota allocation equal to its pro rata share of the quota allocation for the basket category, or 12,500 short tons, raw value, whichever is greater.

The final rule (50 FR 49919) was further modified by an interim rule published in the *Federal Register* on December 18, 1986 (51 FR 45295) which reduced the maximum quota allocated to each basket country to a level equal to its pro rata share of the percentage allocation for the basket category, or 7,500 short tons, raw value, whichever is greater. No comments were received with respect to the interim rule.

The interim rule (51 FR 45295) was adopted as a final rule with a modification and was published in the *Federal Register* on December 18, 1987 (52 FR 48079). The final rule modified the maximum level allocated to individual countries in the basket

category. Each country received a quota allocation equal to its pro rata share of the quota allocation for the basket category, or 5,770 short tons, raw value, whichever is greater.

This interim rule modifies the final rule (52 FR 48079) by revising the quota amount each basket country will receive to a level equal to its pro rata share of the percentage allocation for the basket category, or 8,000 short tons, raw value, whichever is greater.

After consultation with the United States Trade Representative, the Department of State, and the Department of the Treasury, the Secretary of Agriculture has determined that the modification of the allocation provisions covering the basket category is appropriate to provide countries or areas in the basket category with reasonable access to the United States sugar market, in light of changed circumstances affecting such access. It has also been determined that these provisions are appropriate to carry out U.S. obligations under the General Agreement on Tariffs and Trade.

#### List of Subjects in 7 CFR Part 6

Agricultural commodities, Foreign trade, Imports, Quotas, Sugar.

Accordingly, 7 CFR Part 6, Subpart—Sugar Import Quotas is modified as follows:

#### PART 6—[AMENDED]

1. The authority citation for Subpart—Sugar Import Quotas (§§ 6.90–6.93) reads as follows:

**Authority:** Section 201, Trade Expansion Act of 1962 (19 U.S.C. 1821); Presidential Proclamation 4941, May 5, 1982 (47 FR 19661); Headnotes 2 and 3, Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202).

2. Section 6.91(a)(2) is revised to read as follows:

#### § 6.91 Allocation of individual import quotas.

(a) \* \* \*

(1) \* \* \*

(2) 8,000 short tons, raw value.

\* \* \* \* \*

Signed at Washington, DC on July 22, 1988.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 88-16935 Filed 7-25-88; 8:45 am]

BILLING CODE 3410 10 M

#### Animal and Plant Health Inspection Service

#### 7 CFR Part 300

[Docket No. 88-015]

#### Incorporation by Reference; Plant Protection and Quarantine Treatment Manual

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the Plant Protection and Quarantine regulations to give notice that we are incorporating by reference at 7 CFR 300.1 a revision to the Plant Protection and Quarantine Treatment Manual. In an interim rule effective November 30, 1987, we added to the manual a hot water dip as an acceptable treatment procedure for the Carrot variety and certain other varieties of mangoes from Haiti. However, we inadvertently listed incorrect temperature requirements in the manual; the previously published temperature requirements are applicable for the hot water dip treatment. Therefore, we are correcting the manual to include the proper temperature requirements.

**EFFECTIVE DATE:** August 26, 1988.

**FOR FURTHER INFORMATION CONTACT:** James Fons, Senior Staff Officer, Technology Development Staff, PPQ, APHIS, USDA, Room 626, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8896.

#### SUPPLEMENTARY INFORMATION:

#### Background

Chapter III of Title 7, Code of Federal Regulations (regulations), contains the regulations of Plant Protection and Quarantine (PPQ) of the Animal and Plant Health Inspection Service. Section 300.1 of the regulations incorporates by reference the Plant Protection and Quarantine Treatment Manual (PPQ Treatment Manual). The PPQ Treatment Manual contains procedures and schedules for treating various regulated articles so that these articles may move into or within the United States and not present a plant pest risk.

In an interim rule published in the *Federal Register* and effective November 30, 1987 (52 FR 45596, Docket 87-127), we amended § 300.1 of the regulations to show that the PPQ Treatment Manual, which is incorporated by reference and on file at the Office of the Federal Register, had been revised to include a hot water dip as an acceptable treatment for the



Carrot variety and certain other varieties of mangoes from Haiti.

Comments on the interim rule were required to be postmarked or received on or before December 30, 1987. We received one comment, which opposed the interim rule.

The State of California Department of Food and Agriculture commented that recent interceptions in California of live *Anastrepha obliqua* in Francis variety mangoes, where the larvae found was third instar larvae taken from green, hard mangoes, raises some questions about the efficacy of the hot water treatment against *Anastrepha obliqua* in any variety of mango. The commenter believes our interim rule to be premature, and therefore recommends that we maintain the present ban on hot water treated Francis variety mangoes. We are not making any change based on this comment. The California Department of Food and Agriculture admits that its questions about the efficacy of the treatment are based on an assumption that the infected mangoes were treated properly. The fact that the intercepted mangoes were infested means that they could not have been treated properly. The hot water dip treatment we approved is effective in destroying *Anastrepha obliqua* when conducted in accordance with the prescribed procedures.

When we revised the PPQ Treatment Manual in November 1987 to add the Carrot variety to the hot water dip treatment, we inadvertently listed incorrect temperature requirements. We have revised the PPQ Treatment Manual to include the correct temperature requirements. These revisions are incorporated by reference in the regulations at 7 CFR 300.1. Plant Protection and Quarantine field personnel who supervise the treatment were instructed to follow the previously published accurate temperature requirements for the hot water dip treatment. All hot water dip treatments have been in accordance with accurate procedures.

#### Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on

competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

Most mangoes consumed in the United States are imported. Historically, about 65 percent of the mangoes consumed annually have come from Mexico. Haiti provides about 11 percent, and 4 percent come from other countries. Domestic production is limited to 2,100 acres in Florida. In fiscal year 1986, this area produced about 20 million pounds of the fruit, approximately 20 percent of the mangoes consumed in the United States. Because of the growing conditions necessary for mangoes, we do not expect U.S. production to increase. Most of our supply will continue to come from foreign sources. We also do not anticipate that this rule will result in any decrease in the demand for Florida mangoes, which have a well-established market.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

This rule contains no information or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

#### List of Subjects in 7 CFR Part 300

Incorporation by reference, Plant diseases, Plant pests.

Accordingly, Title 7, Chapter III is amended as follows:

#### PART 300—INCORPORATION BY REFERENCE

1. The authority citation for Part 300 continues to read as follows:

Authority: 7 U.S.C. 150ee, 161.

2. Section 300.1, paragraph (a) is revised to read as follows:

#### § 300.1 Materials incorporated by reference.

(a) The Plant Protection and Quarantine Treatment Manual, which was reprinted May 1985, and includes all revisions issued through July 1988, has been approved for incorporation by reference in 7 CFR Chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51.

Done in Washington, DC, this 22nd day of July, 1988.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88-16939 Filed 7-26-88; 8:45 am]

BILLING CODE 3410-34-M

#### Agricultural Marketing Service

##### 7 CFR Part 1230

[No. LS-88-015]

#### Pork Promotion, Research, and Consumer Information Program; Procedures for Conduct of Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** The purpose of this action is to adopt as a final rule regulations for the conduct of a referendum which were proposed in the Federal Register on June 8, 1988. The Pork Promotion Research, and Consumer Information Act of 1985 authorizes the establishment of a national industry funded and operated pork promotion research and consumer information program. Pursuant to the Act, a referendum among pork producers and importers of porcine animals, pork, and pork products will be conducted to determine whether the Pork Promotion, Research, and Consumer Information Order which was implemented September 5, 1986, should be continued. The Act requires the Secretary to conduct such referendum between 24 months and 30 months after the issuance date of an Order to determine whether the Order should be continued. Accordingly, the referendum must be held on or after September 5, 1988, but not later than March 5, 1989. This final rule establishes the procedures for conducting the required referendum on September 7 and 8, 1988.

**DATE:** July 27, 1988.

**ADDRESS:** Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch, Livestock and Seed Division, Agricultural Marketing Service (AMS),



USDA, Room 2610-So., P.O. Box 96456, Washington, DC 20090-6456.

**FOR FURTHER INFORMATION CONTACT:** Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch (202) 447-2650.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under USDA procedures established to implement Executive Order No. 12291 and Departmental Regulation No. 1512-1 and has been classified as a non-major rule under the criteria contained therein.

This action has also been reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This final rule establishes procedures for the conduct of a referendum to determine whether the Pork Promotion, Research, and Consumer Information Order should be continued. It permits all eligible pork producers and importers of porcine animals, pork, and pork products to register and to vote. Participation in the referendum is voluntary. Votes may be cast in person at county offices of the Extension Service or by absentee ballot. The Administrator of the Agricultural Marketing Service (AMS) has determined that this rule will not have a significant economic impact on a substantial number of small entities. Therefore, a Regulatory Flexibility Analysis was not prepared.

The Pork Promotion, Research, and Consumer Information Act of 1985 (Act) (7 U.S.C. 4801 *et seq.*) provides for the establishment of a coordinated program of promotion and research designed to strengthen the pork industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for pork and pork products. The program is financed by an assessment of 0.25 percent of the market value of domestic porcine animals and an equivalent amount on imported porcine animals and imported pork and pork products. Pursuant to the Act, an Order was made effective September 5, 1986, and the collection of assessments began on November 1, 1986.

The Act requires that a referendum be conducted during a period beginning not earlier than 24 months after the issuance of the Order and ending not later than 30 months after the issuance of the Order to determine whether the Order should be continued. Accordingly, registration for and voting in the referendum will occur on September 7 and 8, 1988. The referendum is to be conducted among person who were producers of porcine animals or importers of porcine animals, pork, or pork products during a representative period specified by the Secretary for the purpose of determining whether the Order should be continued.

The representative period has been established as November 1, 1986, to September 6, 1988. The Order shall be continued only if it is approved by a majority of persons voting in the referendum. If continuation of the Order is not approved by a majority of those persons voting in the referendum, the Secretary shall terminate collection of assessments under the Order within 6 months after the Secretary determines that the continuance of the Order is not favored by a majority of those persons voting in the referendum and shall terminate the Order in an orderly manner as soon as practicable after such determination.

The Act specifies that the referendum shall be conducted in such manner as prescribed by the Secretary.

Voting and registration will take place at county offices of the U.S. Department of Agriculture's Extension Service. On June 8, 1988, the Agricultural Marketing Service (AMS) published in the *Federal Register* (53 FR 21456) a proposed rule which set forth procedures for conducting the referendum including provisions concerning definitions, supervision, registration, voting procedures, reporting referendum results, and disposition of ballots and records. It was proposed that the referendum be conducted at county Extension Service offices under the supervision of the county Extension Service agent and that the Agricultural Stabilization and Conservation Service (ASCS) of the Department assist in the conduct of the referendum by (1) counting ballots, (2) determining the eligibility of challenged voters, and (3) reporting referendum results.

The rule also proposed that the representative period for the referendum be from November 1, 1986, to September 6, 1988; that registration for and voting in the referendum occur on September 7 and 8, 1988; and that absentee ballots be available from State ES offices during the period August 1, 1988, to August 26, 1988.

The proposed rule requested comments from interested persons by June 23, 1988. The Department received 38 written comments. Thirty-five commenters, including 10 individuals, the National Pork Board, 2 national pork producer organizations, 19 State pork producer associations, 1 national importers association, 1 national farmers organization, and 1 State farmers organization supported the referendum procedures as proposed.

The remaining three commenters, including one individual, one State pork producer association, and one State farmers organization, generally supported the proposed referendum

procedures with certain qualifications. Five commenters pointed out grammatical errors in §§ 1230.630 and 1230.635. Those errors have been corrected in this final rule.

The substantive changes suggested by the commenters are discussed below. One State farmers organization which generally supported the proposed procedures was opposed to conducting the referendum over a 2-day period because of a concern that it required more of ES employees' time than necessary. The commenter pointed out that the recent beef referendum was accomplished in 1 day and speculated that based on voter response in the beef referendum (conducted May 10, 1988) and the number of absentee votes cast in California in that referendum in-person voting in the pork referendum could be as few as 28,500 persons nationwide. In the commenter's opinion, such a small number of in-person voters would not justify having county ES offices involved in voting and registration for 2 days. The commenter suggests that absentee voting should be urged to eliminate the need for a 2-day voting and registration period.

AMS believes that the commenter's justification for reducing the length of the 2-day referendum is speculative and is not a sufficient reason for changing the length of the proposed 2-day referendum. The conditions under which the beef referendum was conducted are sufficiently different from those under which the pork referendum will be conducted to preclude any accurate prediction on voter turnout. Beyond that, the National Pork Board and pork industry representatives recommended to the Secretary the 2-day referendum with in-person voting at county ES offices to provide sufficient opportunity for all eligible producers and importers to vote in person—the preferred method of casting ballots. The USDA's Extension Service agreed to make available its county offices and staff for the 2-day period, particularly since the referendum was being conducted during regular office hours on days the offices were normally open. While absentee balloting was provided for in the proposed rule, its purpose was not to serve as a procedure for balloting by mail or as a means of reducing the number of persons casting ballots in person at the ES county office. Rather, it was provided to assure that interested persons who are unable to vote in person would have an alternative method of casting a ballot.

Although an increase in absentee balloting might reduce the number of in-person voters, it also could increase the



administrative work load of both the State Extension Service offices and the county ES offices, which in turn could offset any time savings that might be realized by ES from a reduction in the length of the in-person voting and registration period. Additionally, a significant increase in absentee ballots would also increase the overall cost of the referendum by increasing postage costs. For these reasons, this suggestion is not adopted.

One commentator expressed concern about young children who own porcine animals being eligible to vote in the referendum but did not submit any alternatives. The definition of an eligible producer in § 1230.617 is based on the definition of a producer in the Act, which does not specify an age limit. Therefore, all persons who produce porcine animals in the United States for sale in commerce and who are subject to assessment would be considered eligible producers regardless of age. However, since producers must self-certify their eligibility pursuant to § 1230.631 and since proxy voting is not permitted except as stipulated in § 1230.627, parents and other persons are precluded from signing the registration and certification forms on behalf of their children except as provided for in § 1230.627.

One commentator believed that voters should be able to obtain absentee ballots from the State ES office in person as well as by mail and deliver the completed absentee ballots to the appropriate county ES office by mail or in person. The Department concurs with this suggestion and § 1230.631(b) has been revised accordingly. This same commentator also suggested that voters be allowed to deliver completed absentee ballots to the State ES office. Absentee ballots must be delivered to the designated county ES offices by September 1, 1988, in order to provide an effective and timely system for challenging the eligibility of voters. This requirement is necessary for the recording and posting of absentee voters' names for review during the challenge period in the county ES office and the county ASCS office as required in § 1230.632. Delivering absentee ballots to the State ES office could delay receipt of such ballots by the appropriate county ES office and prevent the required posting of all absentee voters' names by the specified dates. Accordingly, this suggestion is not being adopted.

The procedures for the conduct of a referendum to determine whether the Pork Promotion, Research Information Order should be continued are similar to

the referendum procedures contained in a March 28, 1988, final rule (53 FR 9853) under the Beef Promotion and Research Program. In developing the rule, as with other rules, AMS considered recommendations from interested persons, including in this instance, the National Pork Board. Consequently, in proposing the rule, AMS believed that the industry was familiar with the procedures. In view of the September 7 and 8, 1988, dates to conduct the referendum, it is essential that all interested persons be made aware as soon as possible of the referendum procedures as adopted and that preparation for the conduct of the referendum may be completed in a timely manner. For example, this rule requires that the combined absentee registration form and absentee ballot will be available for distribution during the period August 1, 1988, to August 26, 1988. AMS believes that this period of absentee ballot availability is essential to afford absentee voters the opportunity to obtain and complete their ballots prior to the close of the absentee ballot acceptance period. Accordingly, pursuant to 5 U.S.C. 553, it is hereby found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register.

#### List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Marketing agreements, Meat and meat products, Pork and pork products.

For the reasons set forth in the preamble, Title 7 of the CFR, Part 1230 is amended as follows:

#### PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR Part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801-4819.

2. Add new Subpart E to read as follows:

#### Subpart E—Procedure for the Conduct of Referendum

##### Definitions

- Sec.
- 1230.601 Act.
  - 1230.602 Administrator.
  - 1230.603 Agricultural Stabilization and Conservation County Committee.
  - 1230.604 Agricultural Stabilization and Conservation Service.
  - 1230.605 Agricultural Stabilization and Conservation Service County Executive Director.
  - 1230.606 Department.
  - 1230.607 Deputy Administrator.

- Sec.
- 1230.608 Extension Service.
- 1230.609 Extension Service Agent.
- 1230.610 Imported pork and pork products.
- 1230.611 Importer.
- 1230.612 Order.
- 1230.613 Person.
- 1230.614 Porcine animal.
- 1230.615 Pork.
- 1230.616 Pork product.
- 1230.617 Producer.
- 1230.618 Referendum.
- 1230.619 Registration period.
- 1230.620 Representative period.
- 1230.621 Secretary.
- 1230.622 State.
- 1230.623 United States.
- 1230.624 Voting period.
- 1230.625 General.
- 1230.626 Supervision of referendum.
- 1230.627 Eligibility.
- 1230.628 Time and place of registration and voting.
- 1230.629 Facilities for registering and voting.
- 1230.630 Registration form and ballot.
- 1230.631 Registration and voting procedure.
- 1230.632 List of registered producers and importers.
- 1230.633 Challenge of eligibility.
- 1230.634 Receiving ballots.
- 1230.635 Canvassing ballots.
- 1230.636 ASCS county office report.
- 1230.637 ASCS State office report.
- 1230.638 Results of the referendum.
- 1230.639 Disposition of ballots and records.
- 1230.640 Instructions and forms.

#### Subpart E—Procedure for the Conduct of Referendum

##### Definitions

##### § 1230.601 Act.

"Act" means the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801-4819) and any amendments thereto.

##### § 1230.602 Administrator.

"Administrator" means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Department to whom there has heretofore been delegated or may hereafter be delegated, the authority to act in the Administrator's stead.

##### § 1230.603 Agricultural Stabilization and Conservation County Committee.

"Agricultural Stabilization and Conservation County Committee," also referred to as "ASC county committee" means the group of persons within a county elected to act as the county Agricultural Stabilization and Conservation Committee.

##### § 1230.604 Agricultural Stabilization and Conservation Service.

"Agricultural Stabilization and Conservation Service," also referred to as "ASCS" means the Agricultural



Stabilization and Conservation Service of the Department.

**§ 1230.605 Agricultural Stabilization and Conservation Service County Executive Director.**

"Agricultural Stabilization and Conservation Service County Executive Director," also referred to as "ASCS County Executive Director" means the person employed by the ASC county committee to execute the policies of the ASC county committee and be responsible for the day-to-day operation of the ASCS county office, or the person acting in such capacity.

**§ 1230.606 Department.**

"Department" means the United States Department of Agriculture.

**§ 1230.607 Deputy Administrator.**

"Deputy Administrator" means the Deputy or Acting Deputy Administrator, State and County Operations, Agriculture Stabilization and Conservation Service, U.S. Department of Agriculture.

**§ 1230.608 Extension Service.**

"Extension Service" also referred to as "ES" means the Extension Service of the Department.

**§ 1230.609 Extension Service Agent.**

"Extension Service Agent" also referred to as "ES Agent" means an employee of the Extension Service of the Department.

**§ 1230.610 Imported pork and pork products.**

"Imported Pork and Pork Products" means products which are imported into the United States which the Secretary determines contain a substantial amount of pork, including those products which have been assigned one or more of the tariff or customs numbers identified in regulations issued pursuant to the Order.

**§ 1230.611 Importer.**

"Importer" means a person who imports porcine animals, pork, or pork products into the United States.

**§ 1230.612 Order.**

"Order" means the Pork Promotion, Research, and Consumer Information Order.

**§ 1230.613 Person.**

"Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity.

**§ 1230.614 Porcine animal.**

"Porcine Animal" means a swine, that is raised—

(a) As a feeder pig, that is, a young pig sold to another person to be finished over a period of more than 1 month for slaughtering;

(b) For breeding purposes as seed stock and included in the breeding herd; and

(c) As a market hog, slaughtered by the producer or sold to be slaughtered, usually within 1 month of such transfer.

**§ 1230.615 Pork.**

"Pork" means the flesh of a porcine animal.

**§ 1230.616 Pork product.**

"Pork Product" means an edible product produced or processed in whole or in part from pork.

**§ 1230.617 Producer.**

"Producer" means a person who produces porcine animals in the United States for sale in commerce and who is subject to assessment.

**§ 1230.618 Referendum.**

"Referendum" means the referendum to be conducted by the Secretary pursuant to the Act during a period beginning not earlier than 24 months after issuance of the Order and ending not later than 30 months after the issuance of the Order whereby persons who have been producers and importers during a representative period shall be given the opportunity to vote to determine whether the continuance of the Order is favored by a majority of producers and importers voting.

**§ 1230.619 Registration period.**

"Registration period" means the 2-day period of September 7 and 8, 1988, for registration of producers and importers desiring to vote in a referendum. The registration period shall be the same days as the voting period.

**§ 1230.620 Representative period.**

"Representative period" means the period November 1, 1986, to September 6, 1988, which is established pursuant to section 1622(a) of the Act.

**§ 1230.621 Secretary.**

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom authority has been delegated, or may hereafter be delegated, to act in the Secretary's stead.

**§ 1230.622 State.**

"State" means each of the 50 States.

**§ 1230.623 United States.**

"United States" means the 50 States and the District of Columbia.

**§ 1230.624 Voting period.**

"Voting period" means the 2-day period of September 7 and 8, 1988, for voting in a referendum.

**Referendum**

**§ 1230.625 General.**

(a) A referendum to determine whether eligible producers and importers favor the continuance of the Order shall be conducted in accordance with this subpart.

(b) The Order shall continue only if the Secretary determines that the Order is approved or favored by a majority of the producers and importers casting valid ballots in a referendum.

(c) The referendum shall be conducted at the county offices of the Extension Service of the Department.

(d) The Agricultural Stabilization and Conservation Service of the Department shall assist in the conduct of the referendum.

**§ 1230.626 Supervision of referendum.**

The Administrator (AMS) shall be responsible for conducting the referendum in accordance with this subpart.

**§ 1230.627 Eligibility.**

(a) *Eligible producers.* Each person who was a producer during the representative period is entitled to register and vote in the referendum. Each producer shall be entitled to cast only one ballot in the referendum.

(b) *Eligible importers.* Each person who was an importer during the representative period is entitled to register and vote in the referendum. Each importer shall be entitled to cast only one ballot in the referendum.

(c) *Proxy registration and voting.* Proxy registration and voting is not authorized except that an officer or employee of a corporate producer or corporate importer, or any guardian, administrator, executor, or trustee of a producer's or importer's estate, or an authorized representative of any eligible entity (other than an individual producer or importer) such as a corporation or partnership, may register and cast a ballot on behalf of such entity. Any individual registering to vote in the referendum on behalf of any producer or importer corporation, partnership, or other eligible entity shall certify that he or she is authorized by such entity to take such action.

(d) *Joint and group interest.* A group of individuals, such as members of a family, joint tenants, tenants in common, a partnership, owners of community property, or a corporation, engaged in the production of porcine animals as a



producer or in the importation of porcine animals, pork or pork products into the U.S. as an importer shall be entitled to only one vote; provided, however, that any member of a group may register to vote as a producer or importer if he or she is an eligible producer or importer separate from the group.

**§ 1230.628 Time and place of registration and voting.**

The referendum shall be held for 2 days beginning on September 7, 1988, and ending on September 8, 1988. Eligible persons shall register and vote following the procedures in § 1230.631. Except for absentee ballots, the registration and voting shall take place on September 7 and 8, 1988, at each county ES office during regular office hours.

**§ 1230.629 Facilities for registering and voting.**

Each county ES office shall provide:

(a) Adequate facilities and space to permit producers and importers to register and mark their ballots in secret; and,

(b) A sealed box or other suitable receptacle for registration forms and ballots which shall be kept under observation during registration and voting hours and secured at all times. Copies of the Order shall be available for review.

**§ 1230.630 Registration form and ballot.**

A registration form/envelope marked "PORK REFERENDUM" (Form LS-43-1) and ballot (Form LS-43) shall be used for voting in person. The information required on the registration form, which is printed on an envelope, includes name, address, phone number, and voter status (producer or importer). The registration form/envelope also contains a certification statement, referenced in § 1230.631(a)(1). The ballot requires producers and importers to check a "yes" or a "no." A similar registration form and ballot (Form LS-42) shall be used for absentee voting.

**§ 1230.631 Registration and voting procedure.**

(a) *Registering and voting in person.* (1) Each producer and importer desiring to vote in the referendum shall register on the days of voting at the ES office for the county in which the producer's or importer's residence is located or at the ES office serving the county in which the producer's or importer's residence is located. Producers or importers other than individuals shall register at the ES office in the county in which their headquarters office or business is located or at the ES office serving the county in which the entities'

headquarters office or business is located. Producers and importers will be required to list their names on the voter registration list (Form LS-43-2) prior to receiving a registration form and ballot. To register, each producer or importer shall complete the registration form/envelope and certify that:

(i) They or the entity they represent were producers or importers during the specified representative period; and,

(ii) If voting on behalf of an entity referred to in § 1230.627 they are authorized to do so.

(2) Each eligible producer or importer who has not voted by means of an absentee ballot may cast a ballot in person at the location and time set forth in § 1230.628. Eligible persons who enter their names on the voter registration list (Form LS-43-1) will receive a registration form/envelope (Form LS-43-1), an envelope marked "PORK BALLOT" (LS-42-2), and a ballot (Form LS-43). Voting shall be by secret ballot under the supervision of the local county ES agent or designee. The ballot shall be marked by the voter to indicate "yes" or "no." Voters shall place their marked ballots in the envelope marked "PORK BALLOT", seal it and place it in the completed and signed registration form/envelope marked "PORK REFERENDUM", seal that envelope and personally place it in a box marked "Ballot Box" or other designated receptacle.

(b) *Absentee voting.* (1) Eligible producers or importers unable to vote in person may request and obtain a combined absentee registration form and absentee ballot (Form LS-42) and two envelopes—one marked "PORK BALLOT" (Form LS-42-2) and the other marked "PORK REFERENDUM" (Form LS-42-1) by mail or in person from the State ES office of the State in which they reside if individuals, or where their headquarters office or business is located, if a corporation or other entity. To facilitate mailing of absentee ballots the "PORK REFERENDUM" envelope will be preaddressed with the address of the appropriate county ES office if:

(i) The person or other entity referred to in § 1230.627 requesting the absentee ballot includes in the address his or her county of residence or county in which the headquarters office or business is located; or,

(ii) The county in which the residence, headquarters office, or business is located can be otherwise determined.

Only one absentee registration form and absentee ballot will be provided to each eligible producer or importer. Form LS-42 must be requested in writing and will be available for distribution from State

ES offices from August 1, 1988, to August 26, 1988. The State ES office shall enter on the absentee voter request list (Form LS-42-3) the name and address of each person or entity requesting an absentee ballot and the date the Form LS-42 was mailed. A copy of the applicable absentee voter request list (Form LS-42-3) prepared by the State ES office shall be provided to the appropriate county ES agent who shall deliver it to each ASCS county office as provided for in § 1230.635 for absentee voter verification.

(2) To register, eligible producers or importers must complete and sign the registration form (Form LS-42), and certify that:

(i) They or the entity they represent were producers or importers during the specified representative period; and,

(ii) If voting on behalf of an entity referred to in § 1230.627, they are authorized to do so.

(3) A producer or importer, after completing the registration form and marking the ballot, shall remove the ballot portion of Form LS-42 and seal the completed ballot in a separate envelope marked "PORK BALLOT" and place it in a second envelope marked "PORK REFERENDUM" along with the signed registration form. Producers and importers shall print and sign their names on the envelope marked "PORK REFERENDUM" and mail or deliver it to the ES office of the county in which they reside or the ES office serving the county in which they reside. In the case of a partnership, corporation, estate, or other entity, the registration form and ballot must be mailed or delivered to the ES office in the county in which its headquarters office or business is located or the ES office serving the county in which its headquarters office or business is located.

(4) Absentee ballots must be received in the county ES office by the close of business, September 1, 1988. Absentee ballots received after that date shall be counted as invalid ballots. Upon receiving the "PORK REFERENDUM" envelope containing the registration form and ballot, the county ES agent or designee shall place it, unopened in a secure ballot box. The county ES agent or his designee shall enter the names of absentee voters on the voter registration list (Form LS-43-2).

(5) A person casting an absentee ballot which is not recorded as being received or which is received after the deadline specified in this section may vote in person at the appropriate county ES office on the days of the referendum.



**§ 1230.632 List of registered producers and importers.**

The voter registration list (Form LS-43-2) shall be available for inspection during the voting period on September 7 and 8, 1988, at the county ES office and on September 12, 1988, at the ASCS county office. At the ASCS county office it shall be posted during regular office hours in a conspicuous public location.

**§ 1230.633 Challenge of eligibility.**

(a) *Challenge period.* During the days of the referendum, the names of challenged voters may be reported to the ES county agent who will refer them to the ASCS county office. After that, the names of challenged voters shall be referred directly to the ASCS county office. A challenge of a person's eligibility to vote may be made no later than the close of business on September 12, 1988.

(b) *Who may challenge.* A person's eligibility to vote may be challenged by any person. Any such challenge must be in writing and signed by the person making the challenge.

(c) *Determination of challenges.* The ASC county committee or its representative shall make a determination concerning the eligibility of a producer or importer who has been challenged and notify challenged producers and importers as soon as practicable, but not later than 5 business days after the ending date of the voting period. If the ASC county committee or its representative is unable to determine whether a person was a producer or importer during the representative period, it may require the person to submit records such as sales documents, purchase documents, or other similar documents to prove that the person was a producer or importer during the representative period.

(d) *Challenged ballot.* The registration form/envelopes (Form LS-43-1) containing the ballots cast by producers and importers voting in person whose eligibility is challenged shall be removed from the ballot box and placed in a separate box until the challenge has been resolved. Envelopes containing absentee voter registration forms and absentee ballots (Form LS-42) of challenged absentee voters also shall be removed from the ballot box and placed in the box containing ballots of challenged producers and importers. A challenged ballot shall be determined to have been resolved if the determination of the ASC county committee or its representative is not appealed within the time allowed for appeal or there has been a determination by the ASC county committee after the appeal.

(e) *Appeal.* A person declared to be ineligible to register and vote by the ASC county committee or its representative may file an appeal at the ASCS county office within 3 business days after notification of such decision. Such person may be required to provide documentation such as sales documents or purchase documents in order to demonstrate his or her eligibility. An appeal shall be determined by the ASC county committee as soon as practicable, but in all cases not later than the 9th business day after the ending date of the referendum. The ASC county committee's determination on an appeal is final.

**§ 1230.634 Receiving ballots.**

A ballot shall be considered to have been received during the voting period if:

(a) It was cast in the county ES office prior to the close of business on September 8, 1988; or,

(b) An absentee ballot was received in the county ES office not later than close of business on September 1, 1988.

**§ 1230.635 Canvassing ballots.**

(a) *Counting the ballots.* The county ES agent or designee shall deliver: The sealed ballot box; the voter registration list (Form LS-43-2); and the absentee voter request list (Form LS-42-3) to the ASCS county office by the close of business on the first business day after the end of the voting period. ASCS county employees and the county ES agent or designee shall check the registration forms of all voters against the voter registration list (Form LS-43-2) and the absentee voter request list (Form LS-42-3) to determine properly registered voters. The ballots of producers or importers voting in person whose names are not on the voter registration list (Form LS-43-2) shall be declared invalid. Likewise, the ballots of producers or importers voting absentee, whose names are not on the absentee voter request list (Form LS-42-3) shall be declared invalid. Ballots declared invalid and all ballots of challenged voters declared ineligible shall be kept separate from the other ballots and the envelopes containing these ballots shall not be opened. The valid ballots shall be counted on September 22, 1988. ASCS county office employees shall remove the sealed "PORK BALLOT" envelopes from the registration form/envelopes or absentee ballot envelopes of all eligible voters and all challenged voters determined to be eligible. When removing the "PORK BALLOT" envelopes, steps shall be taken to ensure that the voter's name cannot be identified. After removing all "PORK

BALLOT" envelopes, ASCS county employees shall open them and count the ballots. The ballots shall be tabulated as follows:

- (1) Number of eligible producers and importers casting valid ballots,
- (2) Number of producers and importers favoring the Order,
- (3) Number of producers and importers not favoring the Order,
- (4) The number of challenged ballots,
- (5) The number of challenged ballots deemed ineligible,
- (6) Number of invalid ballots, and
- (7) The number of spoiled ballots.

(b) *Invalid ballots.* Ballots shall be declared invalid if a producer or importer voting in person has failed to sign the voter registration list (Form LS-43-2), or an absentee voter's name is not on the absentee voter request list (Form LS-42-3), or the registration form or ballot was incomplete or incorrectly completed.

(c) *Spoiled ballots.* Ballots shall be considered as spoiled ballots when they are mutilated or marked in such a way that it cannot be determined whether it is a "yes" or a "no" vote. Spoiled ballots shall not be considered as approving or disapproving the Order, or as a ballot cast in the referendum.

(d) *Confidentiality.* All ballots shall be confidential and the contents of the ballots shall not be divulged except as the Secretary may direct. The public may witness the opening of the ballot box and tabulation of the votes but may not interfere with the process.

**§ 1230.636 ASCS county office report.**

The ASCS county office shall notify promptly the ASCS State office of the results of the referendum. Each ASCS county office shall transmit the results of the referendum in its county to the ASCS State office. Such report shall include the information listed in § 1230.635. The results of the referendum in each county may be made available to the public immediately after the ballots have been counted and any necessary verification of accuracy has been completed. A copy of a report of those results shall then be posted for 30 days in the ASCS county office in a conspicuous place accessible to the public, and a copy shall be kept on file in the ASCS county office for a period of at least 12 months.

**§ 1230.637 ASCS State office report.**

Each ASCS State office shall promptly transmit to the Deputy Administrator a written summary of the results of the referendum received from all the ASCS county offices within the State. The summary shall include the information



on the referendum results contained in the reports from all county offices within each State and be certified by the ASCS State executive director. The ASCS State office shall maintain a copy of the summary where it shall be available for public inspection for a period of not less than 12 months.

#### § 1230.638 Results of the referendum.

(a) The Deputy Administrator shall promptly submit to the Administrator the results of the referendum. The Administrator shall promptly prepare and submit to the Secretary a report of the results of the referendum. The results of the referendum shall be issued by the Department in an official press release and published in the *Federal Register*. State reports, and related papers shall be available for public inspection in the office of the Marketing Programs and Procurement Branch, Livestock and Seed Division, Agricultural Marketing Service, USDA, Room 2610 South Agriculture Building, 14th and Independence Avenue SW., Washington, DC.

(b) If the Secretary deems it necessary, the report of any State or county shall be reexamined and checked by such persons that may be designated by the Deputy Administrator or the Secretary.

#### § 1230.639 Disposition of ballots and records.

Each ASCS county executive director shall place in sealed containers marked with the identification of the referendum, the voter registration list, absentee voter request list, voted ballots, challenged registration forms/envelopes, challenged absentee voter registration forms, challenged ballots found to be ineligible, invalid ballots, spoiled ballots, and county summaries. Such records shall be placed under lock in a safe place under the custody of the ASCS county executive director for a period of not less than 12 months after the referendum. If no notice to the contrary is received from the Deputy Administrator by the end of such time, the records shall be destroyed.

#### § 1230.640 Instructions and forms.

The Administrator may prescribe additional instructions and forms not inconsistent with the provisions of this subpart to govern the conduct of the referendum.

Done at Washington, DC on July 22, 1988.

J. Patrick Boyle,  
Administrator.

[FR Doc. 88-16863 Filed 7-26-88; 8:45 am]

BILLING CODE 3410-02-M

## FEDERAL RESERVE SYSTEM

### 12 CFR Parts 207, 220, 221 and 224

#### Regulations G, T, U and X; Securities Credit Transactions; List of Marginable OTC Stocks

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule; determination of applicability of regulations.

**SUMMARY:** The List of Marginable OTC Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List is published four times a year by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List effective May 9, 1988 and will serve to give notice to the public about the changed status of certain stocks.

**EFFECTIVE DATE:** August 8, 1988.

**FOR FURTHER INFORMATION CONTACT:** Peggy Wolfrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452-2781. For the hearing impaired only, Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf (TDD) (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

**SUPPLEMENTARY INFORMATION:** Set forth below are stocks representing additions to or deletions from the Board's List of Marginable OTC Stocks. This supersedes the last List which was effective May 9, 1988. Additions and deletions for that List were published at 53 FR 15195, April 28, 1988. A copy of the complete List incorporating these additions and deletions is available from the Federal Reserve Banks.

The List of Marginable OTC Stocks includes those stocks that meet the criteria specified by the Board of Governors in Regulations G, T, U and X (12 CFR Parts 207, 220, 221 and 224, respectively). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The List also includes any stock designated under an SEC rule as qualified for trading in the national market system (NMS Security). Additional OTC stocks may be designated as NMS securities in the interim between the Board's

quarterly publications. They will become automatically marginable at broker-dealers upon the effective date of their NMS designation. The names of these stocks are available at the Board and the Securities and Exchange Commission and will be incorporated into the Board's next quarterly List.

In addition to the deletions listed below, Student Loan Marketing Association's (SLMA) common stock and warrants expiring 08-01-91 are being removed from the List because they are exempted securities (see 20 U.S.C. 1087.1). While these securities meet the requirements for inclusion on the List, their exempt status entitles lenders to extend good faith loan value on them whether or not they appear on the List.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the List specified in 12 CFR 207.6 (a) and (b), 220.17(a) and (b), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible. The Board has responded to a request by the public and allowed a two-week delay before the List is effective.

#### List of Subjects

##### 12 CFR Part 207

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

##### 12 CFR Part 220

Banks, Banking, Brokers credit, Federal Reserve System, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

##### 12 CFR Part 221

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.



## 12 CFR Part 224

Banks, Banking, Borrowers, Credit, Federal Reserve System, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6(c) (Regulation G), 12 CFR 220.2(s) and 220.17(c) (Regulation T), and 12 CFR 221.2(j) and 221.7(c) (Regulation U), there is set forth below a listing of deletions from and additions to the Board's List:

## Deletions From List

*Stocks Removed For Failing Continued Listing Requirements*

ADMAC Inc.  
\$.01 par common  
AEC, Incorporated  
\$.00 par common  
AERO Services International, Inc.  
No par common  
No par convertible preferred  
Allison's Place, Inc.  
\$.01 par common  
American Educational Computer, Inc.  
\$.01 par common  
Antonovich, Inc.  
Class A, \$.01 par common  
Asbestec Industries, Inc.  
\$.01 par common  
AW Computer Systems, Inc.  
Class A, \$.01 par common  
Base Ten Systems, Inc.  
Class B, \$.10 par common  
Begley Company  
\$1.66% par common  
Bird Incorporated  
\$1.00 par cumulative convertible preferred  
Boys Markets, Inc.  
\$.01 par common  
BSD Medical Corporation-Delaware  
\$.01 par common  
CADE Industries, Inc.  
Warrants (expire 09-24-88)  
CB Financial Corporation  
\$7.50 par common  
Centennial Savings Bank, F.S.B.  
\$1.00 par common  
Centrafarm Group N.V.  
No par common  
Chatham Manufacturing Company  
\$1.00 par common  
Clabir Corporation  
Class B, \$.10 par common  
Comtrex Systems Corporation  
No par common  
Continuing Care Associates, Inc.  
\$.01 par common  
Corestates Financial Corporation  
No par cumulative preferred  
Cramer Inc.  
No par common

Cypress Savings Association  
Class A, \$.01 par common  
Diagnostek, Inc.  
Class B, warrants (expire 06-30-88)  
Financial Industries Corp.  
\$1.00 par common  
First Carolina Investors, Inc.  
No par common  
First Columbia Financial Corp.  
No par common  
First Federal Savings & Loan Association of Austin  
\$.01 par common  
Fisher Transportation Services, Inc.  
\$.00001 par common  
Hitachi Ltd.  
5 7/8% convertible subordinated debentures  
IBI Security Service, Inc.  
Class A, \$.10 par common  
Immed Corporation  
\$.01 par common  
Interand Corporation  
No par common  
International King's Table, Inc.  
No par common  
Itel Corporation  
Class B, Series A, \$1.00 par convertible preferred  
Kevex Corporation  
\$.01 par common  
Linear Films, Inc.  
\$1.00 par common  
Livingwell, Inc.  
\$.10 par common  
Maverick Restaurant Corporation  
\$.01 par common  
Moseley Holding Corporation  
\$.10 par common  
Old Stone Corporation  
Series C, convertible preferred  
Optical Specialties, Inc.  
No par common  
OTF Equities, Inc.  
\$.01 par common  
Overland Express, Inc.  
No par common  
Pacer Corporation  
No par common  
Perfectdata Corporation  
No par common  
Precision Resources, Inc.  
\$.10 par common  
Premier Financial Services, Inc.  
\$5.00 par common  
Provident American Corporation  
\$1.00 par common  
Sage Drilling Company, Inc.  
\$.01 par common  
Sahlen & Associates, Inc.  
Warrants (expire 07-18-89)  
Schult Homes Corporation  
Warrants (expire 03-01-91)  
Scott Cable Communications, Inc.  
No par common  
Solitec Inc.  
No par common  
Sporting Life, Inc., The  
\$.01 par common

Stars To Go, Inc.  
\$.01 par common  
Step-Saver Data Systems, Inc.  
No par common  
Warrants (expire 08-12-89)  
Sutron Corporation  
\$.01 par common  
Taco Viva, Inc.  
\$.01 par common  
TM Communications, Inc.  
Warrants (expire 12-01-88)  
UNIFI, Inc.  
Warrants (expire 07-01-88)  
Visual Industries, Inc.  
\$.10 par common  
Wespac Investors Trust  
\$1.00 par shares of beneficial interest  
Wespac Investors Trust II  
No par shares of beneficial interest  
Worlds of Wonder, Inc.  
No par common

*Stocks Removed For Listing On A National Securities Exchange Or Being Involved In An Acquisition*

American Network, Inc.  
No par common  
American Savings Bank, FSB  
No par common  
No par cumulative convertible preferred  
American Shared Hospital Services  
No par common  
ATI Medical, Inc.  
No par common  
Atlanta Gas Light Company  
\$5.00 par common  
Austron, Inc.  
\$.0125 par common  
Bank of New England Corporation  
\$5.00 par common  
BFS Bancorp Inc. (Connecticut)  
\$.01 par common  
Biotherapeutics Incorporated  
\$.002 par common  
California Gold Mines Ltd.  
No par common  
Chi-Chi's, Inc.  
\$.01 par common  
Citizens Financial Corporation  
No par common  
Citytrust Bancorp, Inc.  
\$2.50 par common  
Coeur D'alene Mines Corp.  
\$1.00 par common  
Columbia Federal Savings Bank (Washington)  
\$1.00 par common  
Crown Auto, Inc.  
\$.25 par common  
Datacopy Corporation  
\$.10 par common  
Days Inns Corporation  
\$.02 par common  
Diamond Crystal Salt Company  
\$1.25 par common  
Dickey-John Corporation  
No par common



Dinner Bell Foods, Inc.  
No par common  
Dryclean U.S.A., Inc.  
\$.01 par common  
Eagle Financial Corporation  
\$.01 par common  
Energy Factors, Inc.  
No par common  
ENZO Biochem, Inc.  
\$.01 par common  
Exposaic Industries, Inc.  
No par common  
Fiarhaven Savings Bank  
(Massachusetts)  
\$.10 par common  
First Federal Bank, FSB (New  
Hampshire)  
\$1.00 par common  
Florida Express Inc.  
\$.01 par common  
Hadson Corporation  
\$.10 par common  
Hamburger Hamlets, Inc.  
\$1.00 par common  
Home Owners Federal Savings & Loan  
Association (Massachusetts)  
\$.01 par common  
I.M.S. International, Inc.  
\$.01 par common  
ICN Biomedicals, Inc.  
\$.01 par common  
Ideal School Supply Corporation  
\$.01 par common  
IGI Inc.  
\$.01 par common  
International Clinical Laboratories, Inc.  
\$.33 1/3 par common  
Isoetec Communications, Inc.  
\$.01 par common  
Keithley Instruments, Inc.  
No par common  
Lacana Mining Corporation  
No par common  
Lane Financial Inc.  
\$1.00 par common  
Liquid Air Corporation of North  
America  
No par common  
Little, Arthur D., Inc.  
\$1.00 par common  
Medchem Products, Inc.  
\$.01 par common  
Merrimac Industries, Inc.  
\$.50 par common  
Midway Airlines, Inc.  
\$.01 par common  
Mt. Baker Bank, A Savings Bank  
(Washington)  
\$5.00 par common  
MTECH Corporation  
\$.01 par common  
MUSTO Exploration Limited  
No par common  
National Heritage, Inc.  
\$.01 par common  
Omnibank of Connecticut, Inc.  
\$.01 par common  
Organogenesis, Inc.  
\$.01 par common

Parisian, Inc.  
\$.01 par common  
Pegasus Gold Inc.  
No par common  
Peters, J.M. Company, Inc.  
\$.10 par common  
Preferred Health Care, Ltd.  
\$.01 par common  
Price Pfister, Inc.  
\$.01 par common  
Prudential Bancorporation  
No par common  
Scantron Corporation  
\$.01 par common  
SCOR U.S. Corporation  
\$.30 par common  
Seal Incorporated  
\$.10 par common  
Standard Commercial Corporation  
\$.20 par common  
Stanline, Inc.  
\$.01 par common  
Tower Federal Savings Bank  
\$.01 par common  
TRC Companies, Inc.  
\$.10 par common  
U.S. Truck Lines Inc. of Delaware  
\$5.00 par common  
Ungermann-Bass, Inc.  
\$.001 par common  
6 7/8% convertible subordinated  
debentures  
Union Special Corporation  
\$1.00 par common  
Universal Medical Buildings, L.P.  
Depository Receipts for units of  
shares of beneficial interest  
Units of preferred limited partnership  
University Bank and Trust Company  
\$.30 par common  
Valley Forge Corporation  
\$.50 par common  
VORTEC Corporation  
No par common  
Wearever-Proctorsilex  
\$.01 par common  
Western Auto Supply Company  
\$.01 par common  
  
Additions to the List  
Akorn, Inc.  
No par common  
America First Participating/Preferred  
Equity Mortgage L.P.  
Exchangeable units of limited  
partnership  
American Medical Electronics, Inc.  
No par common  
American Republic Bancorp (California)  
No par common  
American Rice, Inc.  
\$1.00 par common  
American Savings & Loan Association  
of Florida  
\$.01 par preferred  
American Vanguard Corporation  
\$.10 par common  
APCO Argentina, Inc.  
Ordinary shares, \$.01 par value

BFS Bankorp, Inc. (New York)  
\$.01 par common  
BMR Financial Group, Inc.  
\$.01 par common  
Broad National Bancorporation  
\$10.00 par common  
Cannon Express, Inc.  
\$.01 par common  
Cascade International, Inc.  
\$.001 par common  
Centurion Gold Ltd.  
No par common  
Citizens Bancorp (Maryland)  
\$10.00 par common  
Cliffs Drilling Company  
\$.01 par common  
Code-Alarm, Inc.  
No par common  
Comdata Holdings Corporation  
\$.01 par common  
Community Banks, Inc. (Pennsylvania)  
\$5.00 par common  
Comstock Resources, Inc.  
\$.50 par common  
Concorde Career Colleges, Inc.  
\$.01 par common  
Confertech International, Inc.  
\$.01 par common  
Conner Peripherals, Inc.  
No par common  
Constitution Bancorp of New England,  
Inc.  
\$1.00 par common  
Contel Cellular, Inc.  
Class A, \$1.00 par common  
Country Lake Foods, Inc.  
\$.01 par common  
CPAC, Inc.  
\$.01 par common  
Dell Computer Corporation  
\$.01 par common  
Drug Emporium, Inc.  
\$.10 par common  
Egghead, Inc.  
\$.01 par common  
Electronic Data Technologies  
\$.01 par common  
Fairfield First Bank & Trust Company  
(Connecticut)  
\$5.00 par common  
Falconbridge Limited  
No par common  
FB&T Corporation  
\$1.00 par common  
First Federal Savings & Loan  
Association of Lenawee County  
\$1.00 par common  
Firstmiss Gold, Inc.  
\$.01 par common  
Flowmole Corporation  
\$.01 par common  
Franklin Savings Association (Kansas)  
\$1.00 par common  
Grandview Resources, Inc.  
No par common  
Greenwich Financial Corporation  
\$.01 par common  
Harvard Knitwear, Inc.



\$.001 par common  
 Hemodynamics Incorporated  
 \$.01 par common  
 Home Federal Savings Bank (North Carolina)  
 \$1.00 par common  
 Home National Corporation (Massachusetts)  
 \$.50 par common  
 Hometown Bancorporation, Inc. (Connecticut)  
 \$1.00 par common  
 Hughes Homes, Inc.  
 \$.01 par common, Warrants (expire 06-08-93)  
 ICO, Inc.  
 No par common  
 Imperial Holly Corporation  
 No par common  
 Index Technology Corporation  
 \$.10 par common  
 Jones Intercable, Inc.  
 7.25% convertible subordinated debentures  
 KCS Group, Inc.  
 \$.01 par common  
 Kinetic Concepts, Inc.  
 \$.001 par common  
 Medstone International, Inc.  
 \$.004 par common  
 Metro Mobile CTS, Inc.  
 Class B, \$.10 par common  
 Mindscape, Inc.  
 \$.00001 par common  
 Moscom Corporation  
 \$.10 par common  
 National Health Laboratories, Inc.  
 \$.01 par common  
 Nova Pharmaceutical Corp.  
 Class C, warrants (expire 06-30-93)  
 Class D, warrants (expire 06-30-98)  
 Nowsco Well Service, Ltd.  
 No par common  
 Pacesetter Homes, Inc.  
 \$.01 par common  
 People's Bank (Connecticut)  
 No par common  
 Personal Computer Products, Inc.  
 \$.005 par common  
 Relational Technology, Inc.  
 \$.001 par common  
 Respironics, Inc.  
 \$.01 par common  
 Richfood Holdings, Inc.  
 Class A, no par common  
 SCI Systems, Inc.  
 5%% convertible subordinated debentures  
 Scripps, E.W., Company, The  
 Class A, \$.01 par common  
 Senior Service Corporation  
 \$.02 par common  
 Simmons First National Corporation (Arkansas)  
 Class A, \$.50 par common  
 SJNB Financial Corp.  
 No par common  
 Stolt Tankers & Terminals (Holdings) S.A.

No par common  
 Tele-Communications Inc.  
 7% convertible subordinated debentures  
 Thomaston Mills, Inc.  
 Class A, \$1.00 par common  
 Class B, \$1.00 par common  
 Triangle Industries, Inc.  
 \$1.00 per cumulative convertible junior preferred  
 UNR Industries, Inc.  
 \$2.50 par common  
 By order of the Board of Governors of the Federal Reserve System acting by its Staff Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(8)), July 25, 1988.  
 William W. Wiles,  
*Secretary of the Board.*  
 [FR Doc. 88-16852 Filed 7-26-88; 8:45 am]  
 BILLING CODE 6210-01-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 201

[Release No. 33-6790; 34-25933; 35-24683; 39-2176; IC-16488; IA-1130]

### Receipt of Copies of Petitions for Review of Commission Orders

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to 28 U.S.C. 2112(a)(2), which requires that agencies designate an officer to receive copies of petitions for review of agency orders, the Commission amended its Rules of Practice to designate its Secretary to be that officer.

**EFFECTIVE DATE:** July 27, 1988.

**FOR FURTHER INFORMATION CONTACT:** Thomas L. Riesenberger, Senior Special Counsel, (202) 272-3088, or Anne H. Sullivan, Attorney, (202) 272-7525, Office of the General Counsel, Securities and Exchange Commission, 450 Fifth Street NW., Mail Stop 6-6, Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A)), that this revision relates solely to agency organization, procedures, or practices. It is therefore not subject to the provisions of the Administrative Procedure Act requiring notice and opportunity for comment. It is effective upon publication in the Federal Register.

### I. Introduction

Public Law 100-236, 101 Stat. 1731-32 (1988), codified as 28 U.S.C. 2112(a),

requires in subsection (a)(2) that each government agency designate an office and officer to receive copies of petitions for review of agency orders from the persons instituting the review proceedings in a court of appeals. The statute provides that, in the event that proceedings are instituted in two or more courts of appeal to review the same agency order, and that the agency receives copies of those filings within ten days of the agency order, the Judicial Panel on Multidistrict Litigation will determine, by random selection, the court of appeals in which to consolidate the petitions.

### II. Commission Designation of Secretary and Office of the Secretary Pursuant to Public Law No. 100-236

The Commission hereby amends Rule 23 of its Rules of Practice to designate the Secretary, and the Office of the Secretary, of the Commission as the officer and office to receive, pursuant to 28 U.S.C. 2112(a)(1), copies of petitions to review Commission orders.

### List of Subjects in 17 CFR Part 201

Administrative practice and procedure, Claims, Confidential business information, Equal access to justice, Lawyers, Securities.

### Text of Amendment

Title 17, Chapter II, Part 201 of the Code of Federal Regulations is hereby amended as follows:

### PART 201—[AMENDED]

1. The authority citation for Part 201, Subpart A is amended by adding the following citation:

**Authority:** Secs. 19, 23, 48 Stat. 85, as amended, 901 as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a-37, 80b-11 unless otherwise noted \* \* \* § 201.23(e) also issued under 28 U.S.C. 2112(a).

2. A new paragraph (e) is added to § 201.23 to read as follows:

**§ 201.23 Service of pleadings, etc. other than moving papers.**

(e) *Commission receipt pursuant to 28 U.S.C. 2112(a)(1) of copies of petitions for judicial review of Commission orders where petitions for review are filed in two or more courts of appeals with respect to the same order.*

The Commission officer and office designated to receive, pursuant to 28 U.S.C. 2112(a)(1), copies of petitions for review of Commission orders, from the persons instituting the review proceedings in a court of appeals, are



the Secretary and the Office of the Secretary at the Commission's Office in Washington, DC. Ten copies of the petition shall be submitted pursuant to this paragraph. Each copy shall state on its face that it is being submitted to the Commission pursuant to 28 U.S.C. 2112 by the persons or person who filed the petition in the court of appeals.

**Note.**—28 U.S.C. 2112(a) contains certain applicable requirements.

By the Commission.  
July 21, 1988.

Jonathan G. Katz,  
Secretary.

[FR Doc. 88-16905 Filed 7-26-88; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 272 and 274

[Docket No. RM88-10-000 Order No. 501]

#### Revision of Definition for Natural Gas Produced From Devonian Shale

Issued July 21, 1988.

**AGENCY:** Federal Energy Regulatory  
Commission, DOE.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is amending its regulations defining Devonian shale for purposes of qualifying under section 107(c)(4) of the Natural Gas Policy Act of 1978 (NGPA) by expanding the definition to allow producers to measure Devonian shale from a selected interval within the Devonian age stratigraphic interval instead of measuring from the beginning of the Devonian age stratigraphic interval encountered by the wellbore, as currently provided in the regulations. The expanded definition will encourage the production of new quantities of natural gas.

**EFFECTIVE DATE:** September 26, 1988.

**FOR FURTHER INFORMATION CONTACT:** Julia Lake White, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, Telephone: (202) 357-8530.

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the *Federal Register*, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room

1000 at the Commission's Headquarters, 825 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357-8997. The full text of this final rule is available on CIPS for 10 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon and Charles A. Trabandt.

#### I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending its regulations defining Devonian shale for purposes of qualifying under section 107(c)(4) of the Natural Gas Policy Act of 1978 (NGPA).<sup>1</sup> The Commission is expanding the definition to allow producers to measure Devonian shale from a selected interval within the Devonian age stratigraphic interval instead of measuring from the beginning of the Devonian age stratigraphic interval encountered by the wellbore, as currently provided in the regulations. Price controls for gas qualifying under NGPA section 107(c)(4) were eliminated under NGPA section 121(b) on November 1, 1979.<sup>2</sup> Most of the gas qualifying as Devonian shale gas under this rule will also qualify as either NGPA sections 102 or 103 gas; price controls for this gas were also eliminated on either January 1, 1985 or July 1, 1987. Consequently, there will be minimal impact on the price paid for Devonian shale gas qualifying under this expanded definition.

#### II. Background

NGPA section 107(c)(4) provides that natural gas produced from Devonian shale is high-cost natural gas eligible for incentive prices. In Order No. 78,<sup>3</sup> the

Commission defined natural gas produced from Devonian shale as natural gas produced from the fractures, micropores and bedding planes of shales deposited during the Paleozoic Devonian Period.<sup>4</sup> The Commission's definition restricted the term to the gross Devonian age stratigraphic interval encountered by a wellbore, at least 95 percent of which has a gamma ray index of 0.7 or greater (five percent test).<sup>5</sup> The five percent test was designed to exclude excessive gas production from "stringers"<sup>6</sup> within the Devonian shale formation from qualifying as NGPA section 107(c)(4) high-cost gas.

The State of West Virginia filed a petition for reconsideration of the Commission's definition of natural gas produced from Devonian shale on September 25, 1987. West Virginia requested the Commission to allow a producer to qualify any single continuous shale interval within the Devonian age stratigraphic interval so long as the interval selected satisfies the five percent test.

The Commission granted West Virginia a waiver of the provision of § 272.103(e) of its regulations on January 22, 1988.<sup>7</sup> The waiver allows applicants for NGPA section 107(c)(4) well determinations in West Virginia to select one continuous interval from the Devonian interval described in § 272.103(e) of the Commission's regulations for qualification as gas produced from Devonian shale. However, if the interval selected is more than 200 feet thick, the bottom and top 100 foot portions must meet the five percent test independently, in addition to the entire selected interval meeting the requirements.

As discussed in a notice of proposed rulemaking (NOPR) issued April 7, 1988,<sup>8</sup> the Commission expressed its belief that the problems identified by West Virginia are generic to other Devonian production areas. Accordingly, the Commission proposed to expand the definition to allow producers to measure Devonian shale from a selected interval within the

<sup>1</sup> 18 CFR 272.103(e) (1987).

<sup>2</sup> Id.

<sup>3</sup> "Stringers" are potentially gas bearing rock within the Devonian shale strata which because of their sand content do not qualify as shale. Most Devonian age intervals are not 100 percent shale and contain, varying amounts of sand stringers. In order not to disqualify all Devonian shale intervals with sand stringers, the rule permits a Devonian shale interval to qualify as Devonian shale if the interval does not contain more than five percent nonshale rock.

<sup>4</sup> 42 FERC ¶ 61,052 (Jan. 22, 1988).

<sup>5</sup> 53 F.R. 12704 (Apr. 18, 1988), IV FERC Stats. & Regs. ¶ 32,458 (1988).

<sup>1</sup> 15 U.S.C. 3337(c)(4) (1982).

<sup>2</sup> 15 U.S.C. 3331(b) (1982).

<sup>3</sup> Final Rule Defining and Deregulating Certain High-Cost Gas, 45 FR 28,092 (Apr. 28, 1980), FERC Stats. & Regs. [Regulations Preambles 1977-1982] ¶30,147 (Apr. 22, 1980); Order Denying Rehearing, 11 FERC ¶ 61,299 (June 20, 1980).



Devonian age stratigraphic interval instead of measuring from the beginning of the Devonian age stratigraphic interval encountered by the wellbore.

The Commission received four comments, all supporting the proposed change.<sup>9</sup> The Commission, therefore, is issuing the rule proposed in the NOPR as a final rule without any substantive changes.

### III. Discussion

#### A. Reporting Burden

Public reporting burden for this collection of information is estimated to average 6 hours, 24 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 (Attention: Marian Obis (202) 357-8173); and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention Desk Officer for the Federal Energy Regulatory Commission).

#### B. Final Rule

The Commission is revising § 272.103(e) of its regulations to provide an alternative from which to measure Devonian shale within the Devonian age stratigraphic interval. This alternative will permit producers to select a continuous Devonian shale interval for which the five percent test will be applied. If the Devonian shale interval selected under the alternative method of measurement is more than 200 feet thick, the bottom and top 100 foot portions must meet the five percentage test independently.

Additionally, the Commission is amending §§ 274.205(d)(3)(i) and 274.205(d)(3)(ii) by replacing the phrase "stratigraphic section penetrated by the wellbore" with the phrase "stratigraphic section designated pursuant to § 272.103(e)" in each of the three places at which the former phrase appears. In any wells which produce both Devonian and non-Devonian shale gas and the gas is not separately metered, an allocation must be made between the producing intervals. Any reasonable method of

allocation will be acceptable and does not need prior approval.

Commenters support the decision to grant the West Virginia waiver and believe that to the extent that the same geologic conditions exist in other states, the alternative method of measuring Devonian shale should also be available. Columbia Gas Transmission Corporation, however, requests the Commission to clarify that the expanded definition may be applied only on a prospective basis. The Commission agrees. Generally, the Commission's rules are applied on a prospective basis. The provisions in this final rule will be applied on a prospective basis only, for producers filing well determinations pursuant to these regulations.<sup>10</sup>

#### IV. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act<sup>11</sup> requires the Commission to describe the impact that a proposed rule would have on small entities or to certify that the rule will not have a significant economic impact on a substantial number of small entities. The Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. Moreover, since this revision will encourage the production of natural gas supplies and expand the categories of natural gas eligible for a tax credit,<sup>12</sup> any economic impact on small entities will be beneficial rather than negative.

#### V. Paperwork Reduction Act

The Paperwork Reduction Act (PRA)<sup>13</sup> and the Office of Management and Budget's (OMB) regulations<sup>14</sup> require the OMB to approve certain information collection requirements imposed by agency rule. The information collection requirements in this final rule are contained in FERC-121, Application for Maximum Lawful Price Under the Natural Gas Policy Act of 1978 (NGPA) and FERC-566, Well Category Determination. Natural gas producers must comply with the

information collection provisions in these forms in order to collect higher lawful prices for gas produced from qualified wells. Under the NGPA, producers must obtain a jurisdictional agency determination that certain natural gas qualifies as high-cost gas eligible for incentive prices under sections 102, 103, 107 and 108 of the NGPA. Producers must then submit this jurisdictional agency determinations to the Commission for approval prior to collecting these prices. The amount of data to be reported is the minimum that jurisdictional agencies and the Commission require to determine the well category and price.

Devonian shale determinations represent less than 10 percent of the total determinations filed annually with the Commission. The expanded definition provided in this rule will increase the number of Devonian shale determination filings (estimated increase is 1,000 per year from approximately 1,200 to 2,200) but will not change the time requirements currently in the OMB inventory for each determination. The average time per response for FERC-121 is 15 minutes and for FERC-566 is 6 hours and 9 minutes.

The Commission estimates that the total annual reporting burden for FERC-121 will increase by 250 hours and for FERC-566 by 6,150 hours. This increase in total annual burden reflects the number of new applications anticipated because of the expanded definition for Devonian shale. Even with this increase, the total annual burden reported in this final rule continues to remain less than the total annual burden initially approved by OMB for these forms due to a decrease in the overall number of determinations for all categories received annually by the Commission.

#### VI. Environmental Review

The Commission detailed in the NOPR the factors supporting the conclusion that this rulemaking action would not constitute a major Federal action significantly affecting the quality of the human environment. The Commission's determination was based on a supplemental environmental assessment prepared in 1981 which updated an earlier 1980 environmental assessment and reiterated the original findings. Since then, no new factors, additional evidence or comments have been brought to the Commission's attention which alter the Commission's conclusions.

The Commission continues to believe that Devonian shale is a specific type of low permeability formation. From an

<sup>9</sup> Producers in West Virginia may continue to file for well determinations pursuant to the waiver granted to West Virginia on January 22, 1988. The provisions of the waiver will apply prospectively from the date of the waiver.

<sup>10</sup> 5 U.S.C. 601-612 (1982).

<sup>11</sup> The Commission recognizes that producers would be able to qualify for a tax credit through the Crude Oil Windfall Profit Tax Act of 1980 (as amended by the Economic Recovery Tax Act of 1981). Pub. L. 96-223, Title II, section 231(a), April 2, 1980, 94 Stat. 268, section 44D (subs. renum. as section 29), 1981, 95 Stat. 339. Subsequent tax legislation has preserved the tax credit for the production of fuel from nonconventional sources.

<sup>12</sup> 44 U.S.C. 3501-3520 (1982).

<sup>13</sup> 5 CFR 1320.13 (1987).

<sup>14</sup> Appalachian Energy Group, Columbia Gas Transmission Corporation, Kentucky Public Service Commission and Pennsylvania Department of Environmental Resources.



environmental standpoint, its development as a source of natural gas involves nearly identical measures as those required by any other tight formation, including the use of enhanced production techniques such as hydraulic fracturing. There is no evidence that the incentive price program for tight formations has resulted in any significant adverse environmental impact. The Commission concludes, therefore, that this rulemaking action will not constitute a major Federal action significantly affecting the quality of the human environment.

#### VII. Effective Date

This rule is effective September 26, 1988.

#### List of Subjects

##### 18 CFR Part 272

Natural gas.

##### 18 CFR Part 274

Natural gas, Price controls, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Parts 272 and 274, Chapter I, Title 18 of the Code of Federal Regulations as set forth below.

By the Commission.

Lois D. Cashell,  
Acting Secretary.

#### PART 272—DEREGULATED NATURAL GAS

1. The authority citation for Part 272 continues to read as follows:

Authority: Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (1982).

2. In § 272.103, paragraph (e) is revised to read as follows:

##### § 272.103 Definitions.

(e) "Natural gas produced from Devonian shale" means natural gas produced from fractures, micropores and bedding planes of shales deposited during the Paleozoic Devonian Period.

(1) "Shales deposited during the Paleozoic Devonian Period" can be defined as either:

(i) The gross Devonian age stratigraphic interval encountered by a well bore, at least 95 percent of which has a gamma ray index of 0.7 or greater; or

(ii)(A) Except as provided in paragraph (e) (ii) (B) of this section, one continuous interval within the gross Devonian age stratigraphic interval, encountered by a well bore, as long as at least 95 percent of the selected Devonian shale interval has a gamma ray index of 0.7 or greater.

(B) If the interval selected is more than 200 feet thick, the bottom and top 100 foot portions must meet the five percent test independently.

(2) When measuring the Devonian age stratigraphic interval under paragraph (e)(1) of this section, the gamma ray index at any point is to be calculated by dividing the gamma ray log value at that point by the gamma log value at the shale base line established over the entire Devonian age interval penetrated by the well bore.

#### PART 274—DETERMINATIONS BY JURISDICTIONAL AGENCIES

3. The authority citation for Part 274 is revised to read as follows:

Authority: Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982).

4. In § 274.205, paragraphs (d)(3) and (d)(4)(ii) are revised to read as follows:

##### § 274.205 High-cost natural gas.

\* \* \* \* \*

(d) *Natural gas produced from Devonian shale.* \* \* \*

(3)(i) For wells completed on or after November 1, 1979, a gamma ray log with superimposed indications of the shale base line and the gamma ray index of 0.7 over the Devonian age stratigraphic section designated pursuant to § 272.103(e);

(ii) For wells completed before November 1, 1979:

(A) A gamma ray log, if reasonably available, with superimposed indications of the shale base line and the gamma ray index of 0.7 over the Devonian age stratigraphic section designated pursuant to § 272.103(e); or

(B) If a gamma ray log is not reasonably available, a driller's log, or similar report, indicating the general characteristics of the strata penetrated and the corresponding depths at which they are encountered throughout the Devonian age stratigraphic section designated pursuant to § 272.103(e);

(4) \* \* \*

(ii) Demonstrating that the percentage of potentially disqualifying nonshale footage for the stratigraphic section selected is equal to or less than 5 percent of the Devonian stratigraphic age interval designated pursuant to § 272.103(e);

\* \* \* \* \*

[FR Doc. 88-16839 Filed 7-26-88; 8:45 am]  
BILLING CODE 6717-01-M

#### DEPARTMENT OF THE TREASURY

##### Customs Service

##### 19 CFR PART 162

[T.D. 88-43]

#### Customs Regulations Amendment Regarding the Forfeiture of Goods Seized Under 19 U.S.C. 1592

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

**SUMMARY:** This document amends the Customs Regulations relating to the forfeiture of goods seized under the provisions of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), which deals with penalties for fraud, gross negligence and negligence. The amendment eliminates the provision for the summary forfeiture of goods seized thereunder and replaces it with a provision calling for the referral of the case to the Department of Justice for the institution of court proceedings. This action is taken in consideration of a decision of the U.S. Court of International Trade.

**EFFECTIVE DATE:** July 27, 1988.

**FOR FURTHER INFORMATION CONTACT:** Edward T. Rosse, Penalties Branch, (202)-566-8317.

##### SUPPLEMENTARY INFORMATION:

##### Background

The Customs Procedural Reform and Simplification Act of 1978 (Pub. L. 95-410), made numerous amendments to statutes administered by Customs which relate to fines, penalties, forfeitures, and liquidated damages for violation of Customs and navigation laws. Changes, as hereto relevant, were made to section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), covering the entry of merchandise by fraud or negligence. Amendments to the Customs Regulations to establish new procedures and reflect these changes were contained in T.D. 79-160 which was published in the *Federal Register* on June 4, 1979 (44 FR 31950). Section 162.75(d)(3) regarding the forfeiture of goods seized under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), was added to the Customs Regulations in T.D. 79-160. It provided for referral of the case to the Department of Justice or summary forfeiture of the referenced seized goods depending on their value pursuant to section 607, Tariff Act of 1930, as amended (19 U.S.C. 1607).

The U.S. Court of International Trade, in Slip. Op. 86-3 regarding *United States*



*v. One Red Lamborghini (VIN ZA 190000ELA12133) and One Black Lamborghini (VIN ZA 190000ELA12144)*, Court No. 85-10-01393, held that 19 U.S.C. 1592 does not provide a cause of action for forfeiture *in rem*. Based upon this, Customs has concluded that summary forfeiture may not be accomplished under such statutory provision regardless of the value of the seized merchandise. Accordingly, the Customs Regulations are being herein amended to reflect same. The amendment provides that, if neither a petition for relief is filed nor compliance is made with the penalty/seizure decision within the time provided by law, the case should be referred to the Department of Justice with a report of the facts for the institution of court proceedings. The amendment does not alter the regulations concerning the summary forfeiture of merchandise for violations of statutory provisions other than 19 U.S.C. 1592 or situations constituting violations under 19 U.S.C. 1592 and another statute. The amendment does not alter the regulatory provisions of § 162.75, Customs Regulations (19 CFR 162.75), regarding the seizure of merchandise for violation of 19 U.S.C. 1592 in prescribed circumstances.

#### Inapplicability of Public Notice and Delayed Effective Date Provisions

Inasmuch as the amendment merely conforms the Customs Regulations to the applicable statutory provision, as interpreted by the U.S. Court of International Trade, and, thereby, extends a benefit to owners of certain seized merchandise, it is in the public interest to make the regulatory change effective as soon as possible. Accordingly, notice and public procedure are unnecessary pursuant to 5 U.S.C. 553(b)(3), and for the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

#### Executive Order 12291

Because this document will not result in a "major rule" as defined in E.O. 12291, Customs has not prepared a regulatory impact analysis.

#### Regulatory Flexibility Act

It is certified under section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(B)), that the regulation will not have a significant economic impact on a substantial number of small entities.

#### Drafting Information

The principal author of this document was Arnold L. Sarasky, Regulations and Disclosure Law Branch, U.S. Customs

Service. However, personnel from other offices participated in its development.

#### List of Subjects in 19 CFR Part 162

Administrative practice and procedure, Customs duties and inspection, Imports, Law enforcement, Penalties, Search warrants, Seizures and forfeitures, Reporting and recordkeeping requirements.

#### Amendment to the Regulations

Part 162, Customs Regulations (19 CFR Part 162), is amended as set forth below:

#### PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

1. The general authority citation for Part 162, as hereto pertinent, continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 1624.

2. Section 162.75 is amended by revising paragraph (d)(3) to read as follows:

§ 162.75 Seizures limited under Section 592, Tariff Act of 1930, as amended.

(d) Release of seized merchandise—

(3) Forfeiture. If neither a petition for relief is filed in accordance with Part 171 of this chapter, nor compliance made with the decision within the time provided by law, the district director immediately shall report the facts and refer the case to the Department of Justice for the institution of court proceedings.

Michael H. Lane,

Acting Commissioner of Customs.

Approved: July 13, 1988.

Salvatore R. Martoche,

Acting Assistant Secretary for Enforcement.

[FR Doc. 88-16811 Filed 7-26-88; 8:45 am]

BILLING CODE 4820-02-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 799

[OPTS-42074A; FRL-3420-2]

#### Cumene; Final Test Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** EPA is issuing a final test rule, under section 4 of the Toxic Substances Control Act (TSCA), requiring manufacturers and processors of cumene (isopropyl benzene, CAS No. 98-82-8) to perform testing in the areas of health effects, environmental effects,

and chemical fate. The health effects testing requirements include: Oral and inhalation comparative pharmacokinetics, subchronic inhalation toxicity, developmental toxicity, neurotoxicity, and, if triggered, two generation reproductive effects. The environmental effects and chemical fate testing requirements include: Acute toxicity to fish and invertebrates, biodegradation in an aquatic system, volatilization from an aquatic system, and, if triggered, chronic toxicity to fish and invertebrates.

**DATES:** In accordance with 40 CFR 23.5, this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern [daylight or standard as appropriate] time on August 10, 1988. This rule shall become effective on September 9, 1988. The incorporation by reference in the rule is approved by the Director of the Federal Register as of September 9, 1988.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Stahl, Acting Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** EPA is issuing a final test rule under section 4(a) of TSCA to require health effects, environmental effects, and chemical fate testing for cumene.

Public reporting burden for this collection of information is estimated to average 535 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

1. Chief, Information Policy Branch (PM-223), EPA, 401 M St., SW., Washington, DC 20460.
2. Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503.

#### I. Introduction

##### A. Test Rule Development Under TSCA

This final rule is part of the overall implementation of section 4 of TSCA (Pub. L. 94-469, 90 Stat. 2003 *et seq.*, 15 U.S.C. 2601 *et seq.*), which contains authority for EPA to require the development of data relevant to assessing the risk to health and environment posed by exposure to particular chemical substances or mixtures (chemicals).



Under section 4(a) of TSCA, EPA must require testing of a chemical to develop health effects, environmental effects, or chemical fate data if the Administrator makes certain findings as described in TSCA under section 4(a)(1) (A) or (B). Detailed discussions of the statutory section 4 findings are provided in the Agency's first and second proposed test rules which were published in the *Federal Register* of July 18, 1980 (45 FR 48510) and June 5, 1981 (46 FR 30300).

### B. Regulatory History

The Interagency Testing Committee (ITC) designated cumene for priority testing consideration in its 15th Report, published in the *Federal Register* of November 29, 1984 (49 FR 46939). The ITC recommended that cumene be considered for health effects testing, including short-term genotoxicity, chronic toxicity including oncogenicity, teratogenicity, and reproductive effects; and environmental effects testing, including acute and chronic toxicity to saltwater and freshwater fish and invertebrates. The bases for these recommendations were: Annual production capacity of 4 to 5 billion pounds, potential for occupational and environmental exposure, and insufficient data to assess the risk of cumene exposure to human health and the environment.

EPA responded to the ITC's recommendations for cumene by issuing a proposed rule, published in the *Federal Register* of November 6, 1985 (50 FR 46104), which would require that cumene be tested for oral and inhalation comparative pharmacokinetics, oral and inhalation subchronic toxicity, mutagenicity, developmental toxicity, neurotoxicity, oncogenicity, acute and chronic toxicity to saltwater and freshwater fish and invertebrates, biodegradation in an aquatic system, volatilization from an aquatic system, and, if triggered, a two-generation reproductive effects study.

The proposed rule contained a chemical profile of cumene, a discussion of EPA's TSCA section 4(a) findings, and the proposed test standards.

### II. Response to Public Comments

The Agency received written comments on the cumene proposed rule from the Chemical Manufacturers Association's (CMA) Cumene Program Panel (the Panel) on February 28, 1986 (Ref. 1). The Panel includes manufacturers and processors of cumene. Panel members are Texaco Chemical Company, Chevron Chemical Company, Dow Chemical Company, Champlin Petroleum Company, Koch Refining, Inc., Ashland Oil Company, US

Steel Corporation, and Georgia Gulf Corporation.

Dow Chemical Company (Dow) also submitted written comments separately on an earlier date (February 13, 1986) that dealt specifically with the Agency's proposed guidelines for oral and inhalation pharmacokinetic studies (Ref. 2). The pharmacokinetic guidelines proposed by the Agency for cumene were subsequently referred to in the final Phase I test rule for 1,2-dichloropropane published in the *Federal Register* of September 9, 1986 (51 FR 32107). Dow's comments on the proposed pharmacokinetic guidelines and the Agency's responses are summarized in the final test rule for 1,2-dichloropropane published in the *Federal Register* of October 5, 1987 (52 FR 37138). A detailed explanation of the Agency's position on Dow's comments on the proposed pharmacokinetic guidelines may be found in the support document (Ref. 3) prepared for EPA by Syracuse Research Corporation (SRC) and a memorandum written by EPA's Health and Environmental Review Division within the Office of Toxic Substances (Ref. 4). Dow's comments have resulted in modifications to the proposed pharmacokinetic guidelines and these modifications are described in the final test rule for 1,2-dichloropropane. A summary of the Panel's comments will be briefly stated in the following sections along with the Agency's responses to the comments.

#### A. Comments on Oncogenicity and Mutagenicity Testing Requirements

The Panel believes that the reported positive results of two short-term mutagenicity tests with cumene (cell transformation and unscheduled DNA synthesis (UDS) assays) conducted by the Gulf Life Sciences Center (Gulf, Ref. 5) do not justify the requirement for higher-tier mutagenicity and oncogenicity testing. The Panel's conclusion is based upon apparent technical difficulties with the assays, rendering the results equivocal at best. The Panel reported that it would repeat three of the four tests conducted by Gulf and also perform an Ames *Salmonella* assay and an *in vitro* cytogenetics assay on a voluntary basis.

EPA agrees that some doubt existed as to whether the Gulf results are positive or equivocal. Nevertheless, these data were suggestive of the possible genotoxicity of cumene and could not have been dismissed without additional evidence to the contrary. The results of five voluntary mutagenicity tests submitted to EPA by the Panel have provided the evidence needed to clarify the Gulf results (Ref. 6). Cumene

was clearly negative in the cell transformation and UDS assays that were repeated by the Panel. The results were also negative for three other mutagenicity assays submitted by the Panel (*Salmonella* (Ames)), Chinese Hamster Ovary (CHO)/Hypoxanthine-Guanine Phosphoribosyl Transferase (HGPRT) mutation, and chromosome aberrations in CHO cells). Since all tier I tests proposed by the Agency or equivalent to those proposed by the Agency are already available and negative, including a micronucleus test of cumene from Gulf (Ref. 7) which the Panel did not repeat and which the Agency considers adequate, the Agency has reconsidered its proposed requirements for higher-tier mutagenicity and oncogenicity under both sections 4(a)(1) (A) and (B). The Agency has decided that no further testing in these areas is necessary at this time.

#### B. Comments on the Exposure Finding

The Panel commented that EPA has not properly justified its finding of significant or substantial exposure under section 4(a)(1)(B) of TSCA. The Panel believes that EPA has overstated cumene levels in the environment; that the contribution of manufacturing, processing, use, and distribution activities to cumene levels in the environment is negligible compared to cumene emissions from motor vehicle fuel exhaust, the quantities of cumene naturally present in the environment, and other cumene sources such as cigarette smoke and volatilization during the cooking of foods; and that exposure levels cited by EPA are, in any event, far too low to merit concern about cumene's potential risks to the general population.

1. *Estimation of air emissions from manufacturing and processing operations.* In the proposed rule for cumene, EPA estimated that approximately 3 million pounds of cumene is released annually to the environment from cumene manufacturing and processing facilities. This estimate was derived from emission rate data for devices such as vents, flanges, drains, valves, and pumps suspected of leaking cumene in the average cumene manufacturing and/or processing unit. Approximately 15 to 16 million people live in areas near cumene manufacturing and processing facilities. EPA is concerned about the increased levels of cumene to which this surrounding population is exposed. The Panel commented that EPA overstated the amount of cumene released from manufacturing and processing facilities.



The Panel presented a revised estimate of 843,750 pounds of cumene that is released annually as fugitive emissions from cumene manufacturing and processing. The Panel's figure is extrapolated from emissions data from 11 of 16 active cumene manufacturing and processing plants. These 11 plants account for just under 80 percent of the cumene produced, imported, and processed in 1984. Some 675,000 pounds of cumene was reported released from these 11 plants by the manufacturers and processors. The Panel assumed that the other 5 plants, which account for the remaining 20 percent of the cumene, released a proportional amount. This figure is 168,750 pounds, which yields a total fugitive emissions of 843,750 pounds of cumene annually.

EPA believes that the Panel's estimate does not include fugitive emissions of cumene from cumene processing facilities, especially from those which are located on the same site as the manufacturing facility. Since many of the cumene manufacturers also process cumene at the same site using a separate physical system, the fugitive emissions of cumene from processing, which are generally estimated to be twice those from manufacturing, should be included in the total emissions from a site. In addition, EPA believes that, in extrapolating a value for cumene emissions from plants for which emissions data are available to plants for which no data are available, the Panel has incorrectly assumed that cumene emissions are strictly proportional to the amount of cumene manipulated, regardless of whether the cumene was manufactured or processed. Furthermore, there was no consideration given to the age or size of the plant.

**2. Contribution of manufacturing and processing activities to overall cumene levels in the ambient air.** The Panel has stated that cumene emissions into the environment are primarily from gasoline and diesel fuel use and that industrial emission sources contribute a far smaller amount of this chemical to the environment on a national scale. In addition, the Panel pointed out there are many other sources of cumene, unrelated to cumene manufacturing and processing activities, such as cigarette smoke and volatilization from cooking certain foods. The Panel believes that this confirms that emissions from cumene manufacturing and processing represent only an insignificant source of cumene in the environment.

EPA is aware of the many sources of cumene in the environment, and it also recognizes that distinguishing the contribution of one source from another

is very difficult. EPA is also aware that, when the country is taken as a whole, land vehicle emissions are believed to contribute about five times as much cumene to the environment as cumene manufacturing and processing facilities. However, in communities close to cumene manufacturing and processing facilities, it appears that these facilities emit approximately 3.6 times the amount of cumene emitted by land vehicles exhaust and, hence, are the dominant source of atmospheric cumene (Ref. 8).

**3. The significance of air emission levels near cumene facilities.** The Panel has suggested that cumene concentrations in the atmosphere, resulting from cumene manufacturing and processing, even near manufacturing and processing facilities, are not significant. The Panel quotes the Test Rule Support Document worst case cumene concentrations calculated for a 1 and 5 km radius from the plant, which were 3.5 to 59.9 parts per billion (ppb) and from 0.6 to 3.1 ppb, respectively. The Panel points out that these levels may be seen during occasional excursions, but do not represent common air concentrations (Ref. 9). It goes on to say that the 1.4 ppb annual average 1 km from a plant and the 6 and 11 ppb cumene concentrations seen near a production facility in Deer Park, TX, both presented in the Test Rule Support Document, are more reasonable. In addition, these values are more in line with a modeling study done for Georgia Gulf's Bound Brook, NJ phenol facility, which also predicts a 1.4 ppb annual average at 1 km from the plant (Ref. 10). The worst case at this facility was calculated to be 34.8 ppb. The Panel also states that, considering the short half-life of cumene in the atmosphere, there is no reason to believe that, except for populations very close to the plant, there is any general population exposure. The Panel contends, finally, that the 15 to 16 million persons that EPA suggests are living in metropolitan areas near cumene manufacturing and use facilities is misleading. It suggests that, because of cumene's rapid atmospheric degradation kinetics, this value is too high, and only a small fraction of these people would be exposed to cumene concentrations above the ambient level.

The majority of monitoring data that are available for places without cumene manufacturing or processing facilities indicate cumene concentrations at or below 2 ppb in the air (Ref. 9). However, modeling and monitoring data developed for places that have cumene manufacturing and processing facilities indicate much higher concentrations of cumene in the air. Some of the highest

monitored cumene concentrations (6 and 11 ppb) were near the Shell Oil Company manufacturing complex in Deer Park, TX, despite the fact that insufficient data are available to determine whether or not the facility was in operation at the time the sampling took place (Ref. 9). In addition, worst case cumene concentrations predicted via models, which are discussed above, for areas closest to cumene manufacturing and processing sites are significantly above the cumene levels detected in places without cumene manufacturing and processing facilities.

The more recent data on the half-life of cumene in the atmosphere, which the Agency referred to in the proposed test rule for cumene, appears to be on the order of one or two days. At this rate of removal, the cumene emissions from ongoing manufacturing and processing activities would be expected to be distributed over a large portion of the communities near the manufacturing and processing facilities depending on the prevailing atmospheric conditions.

The figure of 15 to 16 million persons estimated by EPA to be the total population living within a 50 km radius of all cumene manufacturing and processing facilities was derived using 1980 Census information (Ref. 11). The 1985 Census shows that approximately 13.5 million people live in areas near cumene manufacturing and processing facilities (Ref. 8). It should be noted that 97 percent of the cumene capacity and 66 percent of phenol capacity are concentrated in areas with a population of about 7 million people. Thus it appears that most exposure to cumene from cumene manufacturing and processing facilities occurs in a population of about 7 million people. Cumene manufacturing and processing facilities are predicted to emit some 2.58 million pounds of cumene per year into the atmosphere in these areas, based on the total cumene emissions predicted from all facilities. By comparison, automobiles in these areas are predicted to emit only 0.47 million pounds per year (Ref. 8). Also, since the half-life of cumene in the atmosphere is long enough to allow for some transport, the vast majority of atmospheric cumene in these areas must come from cumene manufacturing and processing facilities.

**4. Cumene levels in water.** The Panel has suggested that EPA, in presenting the data for wastewater, groundwater, and drinking water in the proposed test rule, has not given sufficient weight to the monitoring data which show that cumene is rarely detected in water and, even where found, is present in trace



amounts. The Panel concludes that: (1) When present, cumene concentrations are low; (2) for the most part, where present, cumene concentrations in water can be linked to a source of contamination that does not involve cumene manufacturing, processing, or transportation; and (3) cumene is not detected the majority of the time.

EPA finds the Panel's conclusions to be less than convincing, because monitoring data from waters near cumene manufacturing and processing facilities are not available for evaluation. Without this information, no conclusions can be made concerning the presence or absence of cumene or the levels of cumene that might be present in the waters near these facilities. EPA does know that a number of cumene-bearing waste streams are generated from industrial processes and that cumene is discharged to the aquatic environment (Ref. 12). Therefore, testing for the effects to aquatic populations near outfalls of cumene manufacturing and processing facilities is warranted.

**5. Potential for adverse effects at actual or expected cumene concentration levels in the environment.** The Panel believes that, even if EPA's estimates of environmental exposure resulting from cumene manufacturing and processing activities are correct, the existing data base for cumene allays any concern about cumene's potential risks to the general population.

EPA does not believe, as previously explained in the proposed rule, that the current health effects data base for cumene is adequate to allay the concern that cumene may present a threat of chronic adverse health effects at levels presently in the environment. The available acute and subchronic data are not sufficient to reasonably predict the dose-response curve for chronic human exposure.

**6. Significance of occupational exposure to cumene.** The Panel commented that worker exposure to cumene at manufacturing and processing facilities is neither "substantial" nor "significant" under section 4(a)(1)(B) of TSCA. To support this contention, the Panel presented a summary of its industrial hygiene survey which was submitted to EPA in April, 1985 (Ref. 13).

The Panel's survey presented information about a total of 739 employees who were reported as "having potential exposure" to cumene. Of these, 393 were routinely exposed and 346 were intermittently exposed. The personal exposure data, provided by manufacturers and processors of cumene, were from sampling done over the period 1973 to 1984. A total of 1,487

samples were reported. There were 6 samples in the range of 4.01 to 30 parts per million (ppm), 4 samples in the range of 3.01 to 4 ppm, 25 samples in the range of 1.01 to 2 ppm, and the remaining samples were below 1 ppm.

The Agency's review of the survey data identified several potential problems with the personal monitoring data submitted. It was reported in the Panel's survey that toluene, ethylbenzene, and water vapor were interferences for the National Institute of Occupational Safety and Health (NIOSH) charcoal tube method used for some of the personal sampling, and water vapor was an interference for the 3M 3500 OVM badge method used for the remainder of the sampling. Without some knowledge of the magnitude of these interferences, no assessment of the validity of these measurements can be made. If water vapor exerts substantial interference, then the entire set of data in the survey may be suspect. In addition, not all companies provided personal monitoring data for cumene. Nevertheless, the information provided by the survey is of concern to the Agency because of the potential for chronic adverse health effects to workers from exposure levels reported.

In conclusion, the Agency believes that occupational exposure to cumene, when considered along with the potential for general population exposure to cumene, meets the exposure criteria needed to make a section 4(a)(1)(B) finding under TSCA (i.e., the chemical is produced in substantial quantities and there is potential for substantial human exposure).

#### *C. Comments on Scope of Health Effects Testing Requirements*

The Panel recommends that the testing program for cumene, if required, should be designed to address only the concerns relevant to occupational exposure conditions. Specifically, the Panel sees no need for testing by the oral or dermal routes of exposure and, therefore, no need for pharmacokinetic data to aid in route-to-route extrapolation for risk assessment. In addition, the Panel proposes modifications to the proposed developmental toxicity and reproductive effects testing and sees no need for a separate neurotoxicity test.

EPA has concluded that the general populations of areas in the vicinity of cumene manufacturing the processing facilities are potentially being exposed to elevated levels of cumene as a result of the releases of this chemical to the environment from these facilities. Therefore, the Panel's position that the testing program should be designed to

focus only on workplace exposure to cumene appears unwarranted.

**1. Route of exposure.** The Panel believes that all testing should be conducted by inhalation, which it believes is the only relevant route of exposure.

EPA believes that inhalation is the most relevant route of human exposure, and, for this reason, it has required testing only with this route whenever that was adequate. Nevertheless, the potential for human exposure to cumene via the oral route is also of some concern to the Agency because monitoring data for ground and surface water near cumene manufacturing and processing facilities are not available. The water in these areas may have elevated concentrations of cumene due to releases of cumene-bearing effluents from the manufacturing and processing facilities. In addition, the use of the oral route is preferred by the Agency for reproductive toxicity testing, because the use of inhalation exposure for this testing presents numerous difficulties. For example, it has become routine to separate the postpartum dam from her neonates for 6 to 8 hours/day while she is exposed in an inhalation chamber. The separation of neonates from their mothers can have adverse effects on their growth and development. Therefore, it is difficult to interpret results of such studies when one does not know how much the study has been compromised by introducing a critical confounding factor. Furthermore, once the dams are returned to their cages, the offspring are eager to nurse since they have been deprived for 6 to 8 hours. This leads to the offspring licking the fur of the mothers and thereby being exposed directly to the test agent. The dose levels obtained this way may be too toxic for the neonates and could further complicate the findings of the study.

Pharmacokinetics testing with cumene is being required by both routes, oral and inhalation. EPA will use the pharmacokinetics data for extrapolating from one route to the other. Thus, the Agency's concern regarding the potential of exposure to cumene via the oral route will also be addressed without having to require the proposed 90-day oral subchronic study.

**2. Pharmacokinetics/metabolism testing.** The Panel recommends that only a very limited amount of pharmacokinetics testing with cumene (non-radiolabeled) be performed initially and further testing in this area be considered only if a significant toxic end-point is defined in the subchronic or chronic studies. In addition, the Panel believes that the availability of an



estimate for human absorption of inhaled cumene and metabolism data from earlier animal studies justifies dropping the bioavailability and metabolite identification testing requirements.

The Agency does not agree with the Panel's assumption that pharmacokinetic data are only useful for evaluating toxicity. Pharmacokinetics testing is being required to generate comparative, dose-dependent, oral and inhalation absorption, tissue distribution, bioaccumulation, metabolism, and excretion data. These data are needed for high to low dose, route-to-route, and species to species extrapolation. Furthermore, the Agency does not believe that the single report on human absorption and several animal studies conducted primarily in the 1950's satisfy the need for pharmacokinetics/metabolism data (Refs. 14, 15, and 16). An estimate of human absorption will not assist in the evaluation of toxicity studies conducted in the rat. Likewise, metabolism studies conducted without the benefit of a radiolabeled test compound or by state-of-the-art methods are of little value for risk assessment purposes. The elucidation of metabolic pathways and identification of metabolites would be more difficult using the Panel's recommendation that studies be performed with non-radiolabeled cumene.

3. *Developmental toxicity testing.* The Panel believes that EPA should require only a single species (rat), instead of a two-species, inhalation developmental toxicity study, because the purpose of this testing would be to confirm or refute an inadequate report in the eastern European literature (Ref. 17) which claims that cumene is teratogenic at relatively low doses in the rat.

EPA disagrees with the Panel. Experience has indicated that there may be considerable species variation in degree and sensitivity of response in evaluating the potential teratogenic effects to a chemical substance. Therefore, two species are generally required even if data indicate that one is positive. Concern remains that the second species may be more sensitive in terms of dose level needed to see adverse effects. This requirement is consistent with those of the EPA Office of Pesticide Programs and the Organization for Economic Cooperation and Development (OECD).

4. *Reproductive effects testing.* The Panel commented that EPA's proposed triggering criteria for the two-generation reproductive effects study are too inflexible and unscientific.

In response to the Panel's comments, EPA has revised the triggering criteria to increase their scientific reliability. In addition, if the results from the

subchronic inhalation toxicity test indicate that the triggering criteria used for predicting reproductive effects are positive, EPA will hold a public program review before requiring the two-generation reproductive effects test. Public participation in this program review will be in the form of written public comments or a public hearing. Request for public comments or notification of a public meeting will be published in the **Federal Register**. Should the Agency determine, from the weight of evidence then available, that proceeding with the two-generation test is not warranted, the Agency would propose to repeal that test requirement and, after public comment, issue a final amendment to rescind the requirement.

5. *Neurotoxicity testing.* The Panel recommends that the separate neurotoxicity testing proposed for cumene not be required. Instead, the Panel contends that the requirement for neurotoxicity testing can be satisfied by modifying the protocol for the 90-day subchronic study.

It is the Agency's policy in implementing the TSCA section 4 to require the three proposed neurotoxicity tests, i.e., functional observation battery, motor activity, and neuropathology, in test rules based on a finding of substantial production and exposure. These tests are deemed necessary to adequately screen for neurotoxicity. The neurotoxicity tests may be combined with the subchronic toxicity test as long as the results of the various tests are not compromised.

#### *D. Comments on Environmental Effects Testing*

The Panel believes that environmental concentration levels for cumene are not sufficient to justify a finding of "significant" environmental release. The Panel contends that, in light of cumene's limited solubility in fresh and saltwater, rapid biodegradability in freshwater, and propensity for volatilization from saltwater, the duration of exposure of aquatic organisms to cumene would be insignificant. In addition, the Panel contends that the data on cumene's acute toxicity to birds, fish, invertebrates, and microorganisms indicate an adequate margin of safety. Finally, the Panel has a number of testing recommendations which it wants EPA to consider if additional testing is to be required.

The Panel recommends that: (1) EPA should select test species which are readily available and for which there exists a good toxicology data base and; (2) EPA should tier chronic aquatic testing requirements.

EPA believes, as previously stated in response to comments on cumene levels

in water, that cumene manufacturing and processing facilities discharge cumene-bearing wastewater to the environment. The detection of cumene in surface water also suggests that cumene has a long enough half-life to build up detectable concentrations in surface water systems (Refs. 8 and 9). The existing data on the acute toxicity of cumene to aquatic species show much variability, and the deficiencies and omission of adequate description in methodology prohibit the use of the available data in a comprehensive appraisal of the toxic potential of cumene in the aquatic environment (Ref. 9). Furthermore, the available aquatic toxicity data obtained using nominal concentrations and under static conditions are of limited value in the accurate estimation of the potential toxicity of volatile organic chemicals (i.e. cumene), because the toxicant in the solution has probably evaporated during the exposure. Therefore, in the absence of definitive acute toxicity data for aquatic organisms indicating the toxic potential of cumene, EPA finds it necessary to require environmental effects testing for cumene. EPA, however, agrees with the Panel's recommendations for test species, and the need for tiering chronic toxicity testing requirements. Therefore, EPA has modified the testing requirements accordingly (see Unit III. B.).

#### *E. Comments on Chemical Fate Testing*

The Panel contends that EPA's proposed method of studying biodegradation of cumene in water, the Core-Chamber Method developed by Bourquin et al., is not a standard method for degradation as outlined in TSCA guidance and was not validated for application to TSCA, and that finding qualified laboratories for testing under Good Laboratory Practice (GLP) standards may be difficult. In addition, the Panel has suggested that the biodegradation and volatilization tests be run in the same test chambers, allowing for a more cost-effective experiment, since the Bourquin test apparatus can be modified to develop both types of data concurrently.

EPA believes that the Core-Chamber Method developed by Bourquin et al. (Ref. 18) is the best available method for evaluating the persistence of cumene in a combined sediment/water environment because: (1) It can be modified to minimize volatilization; (2) it provides reliable data on ultimate biodegradation; and (3) it is a cost-effective approach to simulating *in situ* biodegradation. In addition, since the test requires only readily available materials for the construction of the necessary aquaria, there should be no



difficulty in finding qualified laboratories to conduct the test, and GLP standards should be readily adaptable to the test. The final rule for tetrabromobisphenol A (TBBPA), published in the *Federal Register* of July 6, 1987 (52 FR 25219), also requires biodegradation testing using the Core-Chamber Method, and the test sponsor for TBBPA has found a qualified laboratory to conduct this test.

EPA does not believe combining the biodegradation and volatilization tests will allow for the development of the volatilization rate constant as discussed in Smith et al. (Ref. 19). This value is very important for aquatic environmental modeling efforts that the Agency may use for helping to elucidate the fate of cumene in different aquatic systems. However, these tests may be combined as long as the results of the two separate tests are not compromised.

### III. Final Test Rule for Cumene

#### A. Findings

EPA is basing the final health effects, environmental effects, and chemical fate testing requirements for cumene on the authority of section 4(a)(1)(B) of TSCA.

EPA finds that cumene is produced in substantial quantities and that it enters the environment in substantial quantities, with the potential for resulting substantial human exposure to cumene, from its manufacture, processing, use, and disposal. The available data on cumene, discussed in

Unit II. of this preamble and in Unit II. of the preamble to the proposed rule (50 FR 46104), shows that U.S. production of cumene in 1984 was reported to be 3.35 billion pounds, and an additional 339 million pounds was imported. Approximately 95 percent of the cumene manufactured and imported is used in the production of phenol and acetone. The remaining 5 percent is primarily exported and a small amount is also used in the production of alpha-methylstyrene and as a high-octane component in aviation fuel. The number of workers that are known to be exposed to cumene during its manufacturing and processing is between 700 and 800. The fugitive emissions of cumene to the atmosphere from manufacturing, processing, and use activities are estimated to be 3 million pounds per year. Although this amount is only approximately one-fifth the estimated atmospheric release of cumene from land transportation vehicles in the U.S., the industrial releases of cumene are concentrated in a few large metropolitan areas where the majority of cumene manufacturing and processing facilities are located and are predicted to be the more significant source of exposures to the general population living in the vicinity of these facilities. Approximately 13.5 million people live in the vicinity of cumene manufacturing and processing facilities. The releases of cumene to the aquatic environment are expected as a result of cumene-bearing wastewater discharged

from cumene manufacturing and processing facilities.

EPA finds that there are insufficient data to reasonably determine or predict the pharmacokinetic, subchronic, developmental, neurotoxic and reproductive effects of human exposure to cumene resulting from the manufacture, processing, use, and disposal of the chemical. Furthermore, there are insufficient data to reasonably determine or predict the biodegradation and volatilization of cumene in aquatic systems and the acute and chronic toxicity of cumene to saltwater and freshwater fish and invertebrates resulting from the manufacture, processing, use, and disposal of the chemical substance. EPA finds that testing of cumene is necessary to develop such data. EPA believes that the data generated from this testing will be relevant to a determination as to whether the manufacture, processing, use, and disposal of cumene does or does not present an unreasonable risk of injury to human health or to the environment.

#### B. Required Testing and Test Standards

On the basis of these findings, the Agency is requiring that health effects, environmental effects, and chemical fate testing be conducted for cumene in accordance with specific test guidelines set forth in 40 CFR Parts 795, 797, and 798, or other published test methods as specified in this test rule as enumerated in the following Table.

TABLE—REQUIRED TESTING, TEST STANDARDS, AND REPORTING REQUIREMENTS FOR CUMENE

Test	Test standard (40 CFR citation)	Reporting deadline for final report <sup>1</sup>	Number of interim (6-month) reports required
<b>HEALTH EFFECTS TESTS</b>			
1. Oral and inhalation pharmacokinetics.....	795.230	15	2
2. Subchronic inhalation toxicity.....	798.2450	15	2
3. Inhalation developmental toxicity.....	798.4350	15	2
4. Subchronic neurotoxicity:			
Functional observation battery.....	798.6050	15	2
Motor activity.....	798.6200	15	2
Neuropathology.....	798.6400	15	2
5. Two-generation reproductive effects.....	798.4700	29	4
<b>ENVIRONMENTAL EFFECTS TESTS</b>			
1. Acute toxicity to <i>Daphnia magna</i> .....	797.1300	12	1
2. Acute toxicity to <i>Mysidopsis bahia</i> .....	797.1930	12	1
3. Acute toxicity to <i>Salmo gairdneri</i> .....	797.1400	12	1
4. Acute toxicity to <i>Cyprinodon variegatus</i> .....	797.1400	12	1
5. Chronic toxicity to <i>Daphnia magna</i> .....	797.1330	24	1
6. Chronic toxicity to <i>Mysidopsis bahia</i> .....	797.1950	24	1
7. Early life stage toxicity to <i>Salmo gairdneri</i> .....	797.1600	24	1
8. Early life stage toxicity to <i>Cyprinodon variegatus</i> .....	797.1600	24	1
<b>CHEMICAL FATE TESTS</b>			
1. Biodegradation in aquatic system.....	( <sup>2</sup> )	12	1
2. Volatilization from aquatic system.....	( <sup>4</sup> )	12	1

<sup>1</sup> Number of months after the effective date of the final rule except that the reporting deadline for the reproductive effects test is calculated from the date the test sponsor is notified.

<sup>2</sup> Triggered tests (Required only if the specified triggers are met).

<sup>3</sup> Bourquin, et al.

<sup>4</sup> Smith, et al.



Applicable revisions to these guidelines were proposed in the **Federal Register** of January 14, 1986 (51 FR 1522), and were promulgated in the **Federal Register** of May 20, 1987 (50 FR 19056).

1. The health effects tests to be conducted for cumene are: Oral and inhalation comparative pharmacokinetics, using the test guideline at 40 CFR 795.230 as specified in the final rule for 1,2-dichloropropane (52 FR 37138); subchronic inhalation toxicity using the test guideline at 40 CFR 798.2450, and as modified in 40 CFR 799.1285(c)(2)(i)(B); developmental toxicity, using the test guideline at 40 CFR 798.4350 and; neurotoxicity, using the test guidelines specified at 40 CFR 798.6050, 798.6200, and 798.6400. In addition, the Agency is requiring that a reproductive effects study be conducted if the results of the gross or histopathological evaluation of the reproductive tissues in male or female exposed animals from the subchronic exposure test show adverse effects or if significant alteration in reproductive organ weights occur. If the results from the subchronic study indicate adverse reproductive effects or altered organ weights, EPA will hold a public program review prior to requiring the initiation of the two-generation reproductive effects study.

2. Environmental effects tests to be conducted for cumene, in flow-through systems, are: Acute toxicity to the freshwater invertebrate, *Daphnia magna*, using the test guideline at 40 CFR 797.1300; acute toxicity to the saltwater invertebrate, *Mysidopsis bahia*, using the test guideline at 40 CFR 797.1930; acute toxicity to freshwater fish, *Salmo gairdneri*, using the test guideline at 40 CFR 797.1400; acute toxicity to saltwater fish, *Cyprinodon variegatus*, using the test guideline at 40 CFR 797.1400; chronic toxicity to *Daphnia magna* and *Mysidopsis bahia*, using the guidelines specified at 40 CFR 797.1330 and 797.1950, if the results of the acute toxicity tests required for these species show  $EC_{50}$  or  $LC_{50}$  of less than or equal to 1 mg/L; and early life stage toxicity to *Salmo gairdneri* and *Cyprinodon variegatus*, using the test guidelines at 40 CFR 797.1600, if the results of the acute toxicity tests required for these species show  $LC_{50}$  of less than or equal to 1 mg/L.

3. Chemical fate tests to be conducted for cumene are: Biodegradation in an aquatic system, using the Core-Chamber Method described by Bourquin et al.

(Ref. 18) and volatilization from an aquatic system, using the method described by Smith et al. (Ref. 19).

The Agency is requiring that the above-referenced TSCA Health Effects and Environmental Effects Test Guidelines and revisions and other cited methods be test standards for the purposes of the required tests for cumene. The TSCA test guidelines for health effects and aquatic toxicity testing specify generally accepted minimum conditions for determining health effects and aquatic organism toxicities for substances like cumene.

The required methods of Bourquin et al. (1977) for investigating the biodegradation rate of cumene in an aquatic system and Smith et al. for investigating the volatilization of cumene from an aquatic system specify generally accepted minimum conditions (Refs. 18 and 19). The Agency believes that these tests methods reflect the current state-of-the-science for testing the fate of chemicals such as cumene in the aquatic system.

#### C. Test Substance

EPA is requiring that cumene of at least 99 percent purity be used as the test substance. Commercial cumene is generally greater than 99 percent pure. In addition, radiolabeled  $^{14}C$  cumene is required for the pharmacokinetics testing.

#### D. Persons Required to Test

Section 4(b)(3)(B) specifies that the activities for which EPA makes section 4(a) findings (manufacture, processing, distribution in commerce, use, and/or disposal) determine who bears the responsibility for testing a chemical. Manufacturers and persons who intend to manufacture the chemical are required to test if the findings are based on manufacturing ("manufacture" is defined in section 3(7) of TSCA to include "import"). Processors and persons who intend to process the chemical are required to test if the findings are based on processing. Manufacturers and processors and persons who intend to manufacture and process the chemical are required to test if the exposures giving rise to the potential risk occur during distribution in commerce, use, or disposal of the chemical.

Because EPA has found that there are insufficient data and experience to reasonably determine or predict the

effects resulting from manufacture, processing, use, and disposal of cumene, EPA is requiring that persons who manufacture or process, or who intend to manufacture or process, cumene, other than as an impurity, at any time from the effective date of the final test rule to the end of the reimbursement period are subject to the testing requirements contained in this final rule. While EPA has not identified any byproduct manufacturers of cumene, such persons are covered by the requirements of this test rule. The end of the reimbursement period will be 5 years after the last final report is submitted or an amount of time equal to that which was required to develop data, if more than 5 years after the submission of the last final report required under the test rule.

Because TSCA contains provisions to avoid duplicative testing, not every person subject to this rule must individually conduct testing. Section 4(b)(3)(A) of TSCA provides that EPA may permit two or more manufacturers or processors who are subject to the rule to designate one such person or a qualified third person to conduct the tests and submit data on their behalf. Section 4(c) provides that any person required to test may apply to EPA for an exemption from the requirement. EPA promulgated procedures for applying for TSCA section 4(c) exemptions in 40 CFR Part 790.

Manufacturers (including importers) subject to this rule are required to submit either a letter of intent to perform testing or an exemption application within 30 days after the effective date of the final test rule. The required procedures for submitting such letters and applications are described in 40 CFR Part 790.

Processors subject to this rule, unless they are also manufacturers, will not be required to submit letters of intent or exemption applications, or to conduct testing, unless manufacturers fail to submit notices of intent to test or later fail to sponsor the required tests. The Agency expects that the manufacturers will pass an appropriate portion of the costs of testing on to processors through the pricing of their products or other reimbursement mechanisms. If manufacturers perform all the required tests, processors will be granted exemptions automatically. If manufacturers fail to submit notices of



intent to test or fail to sponsor all the required tests, the Agency will publish a separate notice in the *Federal Register* to notify processors to respond; this procedure is described in 40 CFR Part 790.

EPA is not requiring the submission of equivalence data as a condition for exemption from the required testing for cumene. As noted in Unit III.C., EPA is interested in evaluating the effects attributable to cumene and has specified a relatively pure substance for testing.

Manufacturers and processors subject to this test rule must comply with the test rule development and exemption procedures in 40 CFR Part 790 for single-phase rulemaking.

#### E. Reporting Requirements

EPA requires that all data developed under this rule be reported in accordance with its TSCA Good Laboratory Practice (GLP) standards, which appear in 40 CFR Part 792.

In accordance with 40 CFR Part 790 under single-phase rulemaking procedures, test sponsors are required to submit individual study plans at least 45 days before initiation of each test.

EPA is required by TSCA section 4(b)(1)(C) to specify the time period during which persons subject to a test rule must submit test data. Specific reporting requirements for each of the required tests are given in Table 1 and are as follows:

1. The oral and inhalation pharmacokinetics study, the subchronic inhalation study, the inhalation developmental toxicity study, and the neurotoxicity studies shall be completed and the final results submitted to EPA within 15 months of the effective date of the final test rule.

2. The two-generation reproductive effects study, if triggered, shall be completed and the final results submitted to EPA within 29 months following notification by EPA that testing has been triggered and is to be initiated.

3. The acute toxicity studies in saltwater and freshwater invertebrates and fish shall be completed and the final results submitted to EPA within 12 months of the effective date of the final test rule.

4. The chronic toxicity studies in saltwater and freshwater invertebrates and early life stage toxicity studies in saltwater and freshwater fish, if triggered, shall be completed and the final results submitted to EPA within 24 months of the effective date of the final test rule.

5. The biodegradation and volatilization studies in aquatic systems shall be completed and the final results

submitted to EPA within 12 months of the effective date of the final test rule.

Interim progress reports for each of these studies shall be provided to the Agency at 6 month intervals after the effective date of this rule, or after a test is triggered, until the final report is submitted to EPA.

TSCA section 14(b) governs Agency disclosure of all test data submitted pursuant to section 4 of TSCA. Upon receipt of data required by this rule, the Agency will publish a notice of receipt in the *Federal Register* as required by section 4(d).

Persons who export a chemical which is subject to a section 4 test rule are subject to the export reporting requirements of section 12(b) of TSCA. Final regulations interpreting the requirements of section 12(b) are in 40 CFR Part 707. In brief, as of the effective date of this test rule, an exporter of cumene must report to EPA the first annual export or intended export of cumene to each country. EPA will notify the foreign country concerning the test rule for the chemical.

#### F. Enforcement Provisions

The Agency considers failure to comply with any aspect of a section 4 rule to be a violation of section 15 of TSCA. Section 15(1) of TSCA makes it unlawful for any person to fail or refuse to comply with any rule or order issued under section 4. Section 15(3) of TSCA makes it unlawful for any person to fail or refuse to: (1) Establish or maintain records, (2) submit reports, notices, or other information, or (3) permit access to or copying of records required by TSCA. Section 15(4) makes it unlawful for any person to fail or refuse to permit entry or inspection as required by TSCA section 11. Section 11 applies to any " \* \* \* establishment, facility, or other premises in which chemical substances or mixtures are manufactured, processed, stored, or held before or after their distribution in commerce \* \* \*." The Agency considers a testing facility to be a place where the chemical is held or stored and, therefore, subject to inspection. Laboratory inspections and data audits will be conducted, periodically in accordance with the authority and procedures outlined in TSCA section 11 by duly designated representatives of the EPA for the purpose of determining compliance with the final rule for cumene. These inspections may be conducted for purposes which include verification that testing has begun, schedules are being met, and reports accurately reflect the underlying raw data, interpretations, and evaluations, and to determine compliance with TSCA GLP standards

and the test standards established in the rule.

EPA's authority to inspect a testing facility also derives from section 4(b)(1) of TSCA, which directs EPA to promulgate standards for the development of test data. These standards are defined in section 3(12)(B) of TSCA to include those requirements necessary to assure that data developed under testing rules are reliable and adequate, and to include such other requirements as are necessary to provide such assurance. The Agency maintains that laboratory inspections are necessary to provide this assurance.

Violators of TSCA are subject to criminal and civil liability. Persons who submit materially misleading or false information in connection with the requirement of any provision of this rule may be subject to penalties which may be calculated as if they never submitted their data. Under the penalty provisions of section 16 of TSCA, any person who violates section 15 of TSCA could be subject to a civil penalty of up to \$25,000 for each violation with each day of operation in violation constituting a separate violation. This provision would apply primarily to manufacturers who fail to submit a letter of intent or an exemption request and continue manufacturing after the deadlines for such submissions. This provision would also apply to processors who fail to submit a letter of intent or an exemption application and continue processing after the Agency has notified them of their obligation to submit such documents (see 40 CFR 790.48(b)). Knowing or willful violations could lead to the imposition of criminal penalties of up to \$25,000 for each day of violation and imprisonment for up to 1 year. In determining the amount of penalty, EPA will take into account the seriousness of the violation and the degree of culpability of the violator, as well as all the other factors listed in TSCA section 16. Other remedies are available to EPA under section 17 of TSCA, such as seeking an injunction to restrain violations of TSCA section 4.

Individuals as well as corporations could be subject to enforcement action. Sections 15 and 16 of TSCA apply to "any person" who violates provisions of TSCA. EPA may, at its discretion, proceed against individuals as well as companies themselves. In particular, this includes individuals who report false information or who cause it to be reported. In addition, the submission of false, fictitious, or fraudulent statements is a violation under 18 U.S.C. 1001.



#### IV. Economic Analysis of Final Rule

To assess the potential economic impact of the rule, EPA has prepared an economic analysis (Ref. 20) that evaluates the potential for significant economic impact on the industry as a result of the required testing. The economic analysis estimates that costs of conducting the required testing and evaluates the potential four significant adverse economic impact as a result of these test costs by examining for market characteristics of cumene: (1) Price sensitivity of demand, (2) industry cost characteristics, (3) industry structure, and (4) market expectations. If there is no indication of adverse effect, no further economic analysis is to be performed; however, if the first level of analysis indicates a potential for significant economic impact, a more comprehensive and detailed analysis is conducted which more precisely predicts the magnitude and distribution of the expected impact.

Total testing costs for the final rule for cumene are estimated to range from \$822,148 to \$1,157,214. In order to predict the financial decisionmaking practices of manufacturing firms, these costs have been annualized. Annualized costs are compared with annual revenue as an indication of potential impact. The annualized costs represent equivalent constant costs which would have to be recouped each year of the payback period in order to finance the testing expenditure in the first year.

The annualized test costs (using a cost of capital of 7 percent over a period of 15 years) range from \$90,264 to \$127,051. Based on the 1986 estimated production and import volume for cumene of 4.0 billion pounds, the unit test costs will range from about \$0.002 to \$0.003 cents per pound. In relation to the selling price of \$0.18 per pound for cumene, these costs are equivalent to 0.01 to 0.02 percent of price.

Based on these costs and the uses of cumene, the economic analysis indicates that the potential for significant adverse economic impact as a result of this testing rule is low. This conclusion is based on the following observations:

1. The estimated unit test costs are very low, 0.02 percent of current price in the upper-bound case.
2. The overall demand for cumene appears relatively inelastic.
3. Five of ten manufacturers produce cumene at highly integrated plants where minor cost increases can be dispersed over cumene-derived chemicals.
4. The market expectations for cumene end use products appear favorable.

Refer to the economic analysis support document for a complete discussion of test cost estimation and the potential for economic impact resulting from these costs.

#### V. Availability of Test Facilities and Personnel

Section 4(b)(1) of TSCA requires EPA to consider "the reasonably foreseeable availability of the facilities and personnel needed to perform the testing required under the rule." Therefore, EPA conducted a study to assess the availability of test facilities and personnel to handle the additional demand for testing services created by section 4 test rules. Copies of the study, Chemical Testing Industry: Profile of Toxicological Testing, can be obtained through the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161 (PB 82-140773) or the docket for this rule. On the basis of this study, the Agency believes that there will be available test facilities and personnel to perform the testing specified in this rule.

EPA has reviewed the availability of contract laboratory facilities to conduct the neurotoxicity testing requirements (Ref. 21) and believes that facilities will be made available for conducting these tests. The laboratory review indicates that few laboratories are currently conducting these tests according to TSCA test guidelines and TSCA GLP standards. However, the barriers faced by testing laboratories to gear up for these tests are not formidable. Laboratories will need to invest in testing equipment and personnel training, but EPA believes that these investments will be recovered as the neurotoxicity testing program under TSCA section 4 continues. EPA's expectations of laboratory availability were borne out under the testing requirements of the C<sub>9</sub> aromatic hydrocarbon fraction test rule at 40 CFR 799.2175. Pursuant to that rule, the manufacturers were able to contract with a laboratory to conduct the testing according to TSCA test guidelines and TSCA GLP standards.

#### VI. Rulemaking Record

EPA has established a record for this rulemaking proceeding [docket number OPTS-42074A]. This includes:

##### A. Supporting Documentation

(1) Federal Register notices pertaining to this rule consisting of:

(a) Notice containing the ITC designation of cumene to the priority list (49 FR 46931; November 29, 1984).

(b) Rules requiring TSCA section 8(a) and 8(d) reporting on cumene (49 FR 46739; November 28, 1984).

(c) Notice of EPA's proposed test rule on cumene (50 FR 46104; November 6, 1985).

(d) Notice of final rulemaking on data reimbursement (48 FR 31786; July 11, 1983).

(e) Notice of interim final rule on single-phase test rule development and exemption procedures (50 FR 20652; May 17, 1985).

(f) Notice of final rule on TSCA test guidelines (40 CFR Parts 796, 797, and 798; September 27, 1985).

(g) TSCA GLP standards (48 FR 53992; November 29, 1983).

(h) Notice of proposed rule on TSCA test guidelines revisions (51 FR 1522; January 14, 1986).

(i) Notice of final rule revising TSCA test guidelines (52 FR 19056; May 20, 1987).

- (2) Communications consisting of:
- (a) Written public comments.
  - (b) Transcript of public meeting.
  - (c) Summaries of phone conversations.

(3) Reports—published and unpublished factual materials including: Chemical Testing Industry: Profile of Toxicological Testing (October, 1981).

##### B. References

- (1) CMA's Cumene Program Panel. Comments on EPA's Proposed Test Rule for Cumene submitted to Public Information Office, USEPA (February 28, 1986).
- (2) Dow Chemical Company. Comments on EPA's proposed pharmacokinetics test submitted to Public Information Office, USEPA (February 13, 1986).
- (3) Syracuse Research Corporation. "Response to General Comments on the Oral and Inhalation Pharmacokinetics Tests." Contract No. 68-02-4209 (January 22, 1987).
- (4) U.S. Environmental Protection Agency. Response to Test Rules Development Branch (TRDB) request on review of SRC response to comments on pharmacokinetics tests. Interagency memorandum to Gary E. Timm, TRDB, from Health and Environmental Review Division (April 10, 1987).
- (5) Gulf Oil Products Company. TSCA section 8(e) submission 8EHQ-1184-0536. Cell Transformation (Project No. 84-2131) and Unscheduled DNA Synthesis (Project No. 84-2130) tests of Cumene (November 21, 1984).
- (6) CMA's Cumene Program Panel. Results from voluntary mutagenicity testing program submitted to TRDB (1987).
- (7) Gulf Oil Products Company. "Micronucleus Test of Cumene," Project No. 84-2129 (May 14, 1985).
- (8) Syracuse Research Corporation. "Technical Response to Public Comments: Cumene." Contract No. 68-02-4209 (September 18, 1986).



(9) Syracuse Research Corporation. "Test Rule Support Document: Cumene." Contract No. 68-02-4209 (June 13, 1985).

(10) CMA's Cumene Program Panel. Appendices to the comments on EPA's Proposed Test Rule for Cumene submitted to Public Information Office, USEPA (February 28, 1986).

(11) U.S. Environmental Protection Agency. Exposure to fugitive emissions of cumene. Interagency memorandum to Jennifer Orme, TRDB, from Design and Development Branch (March 29, 1985).

(12) Science Applications International Corporation. Letter from Martin Huppert to Beth Hesse of Dynamac Corporation concerning discharges of cumene to the environment (February 8, 1988).

(13) CMA's Cumene Program Panel. Industrial Hygiene Survey (April 1985).

(14) Senczuk, W. and Litewka, B. "Absorption of cumene through the respiratory tract and excretion of dimethylphenylcarbinol in urine." *British Journal of Industrial Medicine* 33: 100-105 (1976).

(15) Valette, G., and Cavier, R. "Absorption Percutane et Constitution Chimique; Cas des hydrocarbures des alcools et des esters." *Archives of International Pharmacodynamics* 97: 232-240 (1954).

(16) Robinson, D., Smith, J.N., and Williams, R.T. "Studies in detoxication: the metabolism of alkylbenzenes, isopropylbenzene (cumene) and derivatives of hydrocarbon acid." *Biochemical Journal* 59: 153-159 (1955).

(17) Serebrennikov, O.A., and Ogleznev, G.A. "Developmental anomalies in the mother-fetus system following exposure to petrochemical products." *Deposited Document* 2667-78: 151-152 (1978).

(18) Bourquin, A.W., Hood, M.A., and Gamas, R.L. "An artificial microbial ecosystem for determining effects and fate of toxicants in a salt-marsh environment." *Developments in Industrial Microbiology* 18: 185-191 (1977).

(19) Smith, J.H., Bomberger, D.C., Haynes, D.L. "Prediction of the volatilization of high volatility chemicals from natural water bodies." *Environmental Science & Technology* 14(11): 1332-1337 (1980).

(20) U.S. Environmental Protection Agency. Economic Impact Analysis of Final Test Rule for Cumene. Washington, DC, Office of Toxic Substances, USEPA (February 29, 1988).

(21) Mathtech, Inc. "Evaluation of TSCA guidelines for neurotoxicity testing: Impact of increased testing requirements." Prepared for Regulatory Impacts Branch, US EPA (April 14, 1987).

The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

## VII. Other Regulatory Requirements

### A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. EPA

has determined that this test rule is not major because it does not meet any of the criteria set forth in section 1(b) of the Order; i.e., it will not have an annual effect on the economy of at least \$100 million, will not cause a major increase in costs or prices, and will not have a significant adverse effect on competition or the ability of U.S. enterprise to compete with foreign enterprises.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA, and any EPA response to those comments, are included in the rulemaking record.

### B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, Pub. L. 96-354, September 19, 1980), EPA is certifying that this test rule will not have a significant impact on a substantial number of small businesses because: (1) They are not likely to perform testing themselves, or to participate in the organization of the testing effort; (2) they will experience only very minor costs, if any, in securing exemption from testing requirements; and (3) they are unlikely to be affected by reimbursement requirements.

### C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this final rule under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*, Pub. L. 96-511, December 11, 1980), and has assigned OMB control number 2070-0033.

Public reporting burden for this collection of information is estimated to average 535 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

1. Chief, Information Policy Branch (PM-223), EPA, 401 M St., SW., Washington, DC 20460.

2. Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, (Attn: Desk Officer for EPA).

### List of Subjects in 40 CFR Part 799

Testing, Environmental protection, Hazardous substances, Chemicals, Recordkeeping and reporting requirements, Incorporation by reference.

Dated: July 5, 1988.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR Part 799 is amended as follows:

## PART 799—[AMENDED]

1. The authority citation for Part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. By adding § 799.1285 to read as follows:

### § 799.1285 Cumene.

(a) *Identification of test substance.* (1) Cumene (isopropylbenzene, CAS No. 98-82-8) shall be tested in accordance with this section.

(2) Cumene of at least 99 percent purity shall be used as the test substance.

(b) *Persons required to submit study plans, conduct tests, and submit data.* All persons who manufacture (including import or byproduct manufacture) or process or intend to manufacture or process cumene, other than as an impurity, after September 9, 1988, to the end of the reimbursement period shall submit letters of intent to conduct testing, submit study plans, conduct tests, and submit data, or submit exemption applications, as specified in this section, Subpart A of this part, and Parts 790 and 792 of this chapter for single-phase rulemaking.

(c) *Health effects—(1) Oral and inhalation pharmacokinetic test—(i) Required testing.* Pharmacokinetic testing using the oral and inhalation routes shall be conducted with cumene in accordance with § 795.230 of this chapter.

(ii) *Reporting requirements.* (A) The pharmacokinetic testing shall be completed and the final report submitted to EPA within 15 months of the effective date of the final rule.

(B) Interim progress reports shall be submitted to EPA at 6-month intervals beginning 6 months after the effective date of the final rule, until the final report is submitted to EPA.

(2) *Subchronic inhalation toxicity—(i) Required testing.* (A) A subchronic inhalation toxicity test shall be conducted with cumene in accordance with § 798.2450 of this chapter except for the provisions of paragraphs (d)(1)(iv), (5), (6), (9), (12)(iii), (13)(i), and (e)(3)(iv)(D) of § 798.2450.

(B) For the purpose of this section, the following provisions also apply.

(1) *Animal selection—Numbers.* At least 30 animals (15 males and 15



females) shall be used for each test group.

(2) *Exposure conditions.* The animals shall be exposed to the test substance 6 hours per day, 5 days per week for 13 weeks (65 days of exposure).

(3) *Observation of animals.* Animals shall be weighed weekly, and their food and water consumption shall also be measured weekly.

(4) *Gross pathology.* The following additional organs shall be preserved in a suitable medium for future histopathological examination: The vas deferens, the oviducts, and the vagina.

(5) *Histopathology.* The accessory genital organs (epididymis), prostate, seminal vesicles) and the vagina shall be examined histopathologically. In addition, preparations of testicular and associated reproductive organ samples for histology shall follow the recommendations of Lamb and Chapin (1985) under paragraph (f)(1) of this section, or an equivalent procedure, with particular attention directed toward achieving optimal quality in the fixation and embedding, and including an evaluation of the spermatogenic pattern. Spermatid counts shall be performed as described by Johnson et al. (1980) and Blazak et al. (1985) under paragraphs (d) (2) and (3) of this section or an equivalent procedure. Epididymal sperm count and sperm morphology shall also be done.

(6) *Test report—Individual animal data.* The specific test report information shall include "Food and water consumption data."

(ii) *Reporting requirements.* (A) The subchronic toxicity test shall be completed and the final report submitted to EPA within 15 months of the effective date of the final rule.

(B) Interim progress reports shall be submitted to EPA at 6-month intervals beginning 6 months after the effective date of the final rule, until the final report is submitted to EPA.

(3) *Inhalation developmental toxicity—(i) Required testing.* An inhalation developmental toxicity test shall be conducted with cumene in accordance with § 798.4350 of this chapter.

(ii) *Reporting requirements.* (A) The inhalation developmental toxicity test shall be completed and the final report submitted to EPA within 15 months of the effective date of the final rule.

(B) Interim progress reports shall be submitted to EPA at 6-month intervals beginning 6 months after the effective date of the final rule, until the final report is submitted to EPA.

(3) *Neurotoxicity—(i) Required testing.* (A) Neurotoxicity tests shall be conducted with cumene by inhalation in

accordance with §§ 798.6050, 798.6200, and 798.6400 of this chapter. Each test shall be performed for a period of 90 days.

(ii) *Reporting requirements.* (A) The neurotoxicity tests shall be completed and the final reports submitted to EPA within 15 months of the effective date of the final rule.

(B) Interim progress reports for each test shall be submitted to EPA at 6-month intervals beginning 6 months after the effective date of the final rule, until the applicable final report is submitted to EPA.

(5) *Two-generation reproductive effects—(i) Required testing.* A two-generation reproductive effects test shall be conducted with cumene in accordance with § 798.4700 of this chapter if either the gross or histopathological evaluation of the reproductive tissues in male or female exposed animals from the subchronic exposure test specified in paragraph (c)(2) of this section shows adverse effects or if significant alteration in reproductive organ weights occurs in the subchronic exposure test which can be related to exposure to cumene. EPA will hold a public program review, following submission of the subchronic toxicity test, to decide whether the two-generation reproductive effects test is to be required. If required, the test should be conducted using the oral route of exposure.

(ii) *Reporting requirements.* (A) The two-generation reproductive effects test shall be completed and the final report submitted to EPA within 29 months following EPA's notification to the test sponsor, through certified letter or Federal Register notice, that testing shall be initiated.

(B) Interim progress reports shall be submitted to EPA at 6-month intervals beginning 6 months after the date of EPA's notification to the test sponsor that testing shall be initiated, until the final report is submitted to EPA.

(d) *Environmental effects—(1) Aquatic acute toxicity—(i) Required testing.* Saltwater and freshwater invertebrate and vertebrate tests, in a flow-through system, shall be conducted with cumene on the following organisms: *Daphnia magna*, to be conducted in accordance with § 797.1300 of this chapter; *Mysidopsis bahia* to be conducted in accordance with § 797.1930 of this chapter; and *Salmo gairdneri* and *Cyprinodon variegatus* to be conducted in accordance with § 797.1400 of this chapter. The total and dissolved (e.g. filtered) concentrations of the test substance shall be measured in each test chamber and the delivery chamber before the test and in each test chamber

at 0, 24, and 48 hours (*Daphnia magna*) and 0, 48, and 96 hours (*Mysidopsis bahia*, *Salmo gairdneri*, and *Cyprinodon variegatus*) to ascertain whether it is in solution.

(ii) *Reporting requirements.* (A) The acute toxicity tests shall be completed and the final reports submitted to EPA within 12 months of the effective date of the final rule.

(B) An interim progress report for each acute test shall be submitted to EPA 6 months after the effective date of the final rule.

(2) *Aquatic chronic toxicity—(i) Required testing.* Aquatic chronic toxicity tests, in a flow-through system, shall be conducted with cumene on *Daphnia magna*, in accordance with § 797.1330 of this chapter, and *Mysidopsis bahia*, in accordance with § 797.1950 of this chapter, if the results of the acute toxicity tests conducted for those species under paragraph (d)(1) of this section show EC<sub>50</sub> or LC<sub>50</sub> of less than or equal to 1 mg/L. The total and dissolved (e.g. filtered) concentrations of the test substance shall be measured in each test chamber and the delivery chamber before the test and in each test chamber and the delivery chamber at 0, 7, 14, and 21 days to ascertain whether it is in solution.

(ii) *Reporting requirements.* (A) The chronic toxicity tests, if required under paragraph (d)(2)(i) of this section, shall be completed and the final reports submitted to EPA within 24 months of the effective date of the final rule.

(B) An interim progress report for each chronic test shall be submitted to EPA 18 months after the effective date of the final rule.

(3) *Aquatic early life stage toxicity—(i) Required testing.* Aquatic early life stage toxicity tests, in a flow-through system, shall be conducted with cumene on *Salmo gairdneri* and *Cyprinodon variegatus*, in accordance with § 797.1600 of this chapter, if the results of the acute toxicity tests conducted for those species under paragraph (d)(1) of this section show LC<sub>50</sub> of less than or equal to 1 mg/L.

(ii) *Reporting requirements.* (A) The early life stage toxicity tests, if required under paragraph (d)(3) of this section, shall be completed and the final reports submitted to EPA within 24 months of the effective date of the final rule.

(B) An interim progress report for each test shall be submitted to EPA 18 months after the effective date of the final rule.

(e) *Chemical fate—(1) Biodegradation—(i) Required testing.* Biodegradation testing in an aquatic system shall be conducted with cumene



in accordance with the method described in an article by Bourquin et al. entitled "An Artificial Microbial Ecosystem for Determining Effects and Fate of Toxicants in a Salt-Marsh Environment," reprinted from Vol. 18 of the Society of Industrial Microbiology's *Developments in Industrial Microbiology*, Chapter 11, 1977, which is incorporated by reference. The method is available for public inspection at the Office of the Federal Register, Rm. 8301, 11th and L St., NW., Washington, DC 20408, and copies may be obtained from the EPA TSCA Public Docket Office (TS-793), Rm. G-004 Northeast Mall, 401 M St., SW., Washington, DC 20460. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 522(a) and 1 CFR Part 51. The method is incorporated as it exists on the effective date of this rule and a notice of any change to the method will be published in the **Federal Register**.

(ii) **Reporting requirements.** (A) The biodegradation test in an aquatic system shall be completed and the final report submitted to EPA within 12 months of the effective date of the final rule.

(B) An interim progress report shall be submitted to EPA 6 months after the effective date of the final rule.

(2) **Volatilization—(i) Required testing.** A test for volatilization from aquatic system shall be conducted with cumene in accordance with the method described in an article by Smith et al. entitled "Prediction of the Volatilization Rates of High-Volatility Chemicals from Natural Water Bodies," published in Vol. 14, Number 11, of the American Chemical Society's *Environmental Science & Technology*, 1980, which is incorporated by reference. The method is available for public inspection at the Office of the Federal Register, Rm. 8301, 11th and L St., NW., Washington, DC 20408, and copies may be obtained from the EPA TSCA Public Docket Office (TS-793), Rm. G-004 Northeast Mall, 401 M St., SW., Washington, DC 20460. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 522(a) and 1 CFR Part 51. The method is incorporated as it exists on the effective date of this rule and a notice of any change to the method will be published in the **Federal Register**.

(ii) **Reporting requirements.** (A) The volatilization test in an aquatic system shall be completed and the final report submitted to EPA within 12 months of the effective date of the final rule.

(B) An interim progress report shall be submitted to EPA 6 months after the effective date of the final rule.

(f) **References.** For additional background information, the following references should be consulted:

(1) Lamb, J.C. and Chapin, R.E. "Experimental models of male reproductive toxicology," *Endocrine Toxicology*. Eds. J.A. Thomas, K.S. Korach, J.A. McLachlan. New York, NY: Raven Press, pp. 85-115 (1985).

(2) Johnson, L., Petty, C.S., and Neaves, W.B. "A comparative study of daily sperm production and testicular composition in humans and rats," *Biology of Reproduction*, 22:1233-1243. (1980).

(3) Blazak, W.F., Ernest, T.L., and Stewart, B.E. "Potential indicators of reproductive toxicity: Testicular sperm production and epididymal sperm number, transit time and motility in Fischer 344 rats," *Fundamental and Applied Toxicology*, 5:1097-1103 (1985).

(g) **Effective date.** (1) The effective date of this final rule for cumene is September 9, 1988.

(2) The guidelines and other test methods cited in this section are referenced here as they exist on September 9, 1988. (Information collection requirements have been approved by the Office of Management and Budget under control number 2070-0033.)

[FR Doc. 88-16752 Filed 7-26-88; 8:45 am]

BILLING CODE 5560-50-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Public Land Order 6685

[AK-932-08-4220-10; A-067673]

#### Partial Revocation of Public Land Order No. 245 for Selection of Lands by the State of Alaska; Alaska

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes a public land order (PLO) insofar as it affects 34.84 of public lands reserved for townsite purposes. The lands are no longer needed for the purpose for which they were withdrawn. This action will also classify the lands as suitable for selection by the State of Alaska, if such lands are otherwise available. If not selected by the State, the lands will become subject to the terms and conditions of PLO No. 5180, as amended, and will remain closed to location for metalliferous minerals until a further opening order is published.

**EFFECTIVE DATE:** July 27, 1988.

**FOR FURTHER INFORMATION CONTACT:** Sandra C. Thomas, BLM State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and by section 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 708 and 709; 43 U.S.C. 1616(d)(1), it is ordered as follows:

1. Public Land Order No. 245 is hereby revoked insofar as it affects the following described lands:

#### Moose Pass Townsite

U.S. Survey 2676, lot 9, Block 2; lot 1, Block 3 and Blocks 7 and 8.

The areas described aggregate 34.84 acres.

2. Subject to valid existing rights, the lands described above are hereby classified as suitable for and opened to selection by the State of Alaska under either the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, et seq.; 48 U.S.C. prec. 21, or section 906(b) of the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2437-2438; 43 U.S.C. 1635.

3. As provided by section 6(g) of the Alaska Statehood Act, the State of Alaska is provided a preference right of selection for the lands described above, for a period of ninety-one (91) days from the date of publication of this order, if the lands are otherwise available. Any of the lands described herein that are not selected by the State of Alaska will be subject to the terms and conditions of PLO No. 5180, as amended, and any other individuals of record, and shall remain closed to location for metalliferous mining until a further opening order is published.

July 12, 1988.

J. Steven Griles,

Assistant Secretary of the Interior.

[FR Doc. 88-16910 Filed 7-26-88; 8:45 am]

BILLING CODE 4310-JA-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR PART 64

[Docket No. FEMA 6802]

#### Suspension of Community Eligibility; California, et al.

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.



**SUMMARY:** This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective date shown in this rule because of noncompliance with the revised floodplain management criteria of the NFIP. If FEMA receives documentation that the community has adopted the required revisions prior to the effective suspension date given in this rule, the community will not be suspended and the suspension will be withdrawn by publication in the *Federal Register*.

**EFFECTIVE DATE:** As shown in fifth column.

**FOR FURTHER INFORMATION CONTACT:**

Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, Federal Center Plaza, 500 C Street SW., Room 416, Washington, DC 20472 (202) 646-2717.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the NFIP (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures.

On August 25, 1986, FEMA published a final rule in the *Federal Register* that

revised the NFIP floodplain management criteria. The rule became effective on October 1, 1986. As a condition for continued eligibility in the NFIP, the criteria at 44 CFR 60.7 require communities to revise their floodplain management regulations to make them consistent with any revised NFIP regulation within 6 months of the effective date of that revision or be subject to suspension from participation in the NFIP.

The communities listed in this notice have not amended or adopted floodplain management regulations that incorporate the rule revision. Accordingly, the communities are not compliant with NFIP criteria and will be suspended on the effective date shown in this final rule. However, some of these communities may adopt and submit the required documentation of legally enforceable revised floodplain management regulations after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the *Federal Register*. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

The Administrator finds that notice and public procedures under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 90- and 30-day notification addressed to the Chief Executive Officer that the

community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to adopt adequate floodplain management measures, thus placing itself in noncompliance with the Federal standards required for community participation.

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

**PART 64—[AMENDED]**

1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001, *et. seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

**§ 64.6 List of eligible communities.**

State	Community name	County	Community No.	Effective date
California	Atascadero, city of	San Luis Obispo	060700	Aug. 4, 1988.
Do	Avalon, city of	Los Angeles	060098	Do.
Do	Barstow, city of	San Bernardino	060271	Do.
Do	Cloverdale, city of	Sonoma	060376	Do.
Do	Corona, city of	Riverside	060250	Do.
Do	Crescent City, city of	Del Norte	060039	Do.
Do	Danville, city of	Contra Costa	060707	Do.
Do	Del Mar, city of	San Diego	060288	Do.
Do	Fort Jones, city of	Siskiyou	060365	Do.
Do	Fountain Valley, city of	Orange	060218	Do.
Do	Fremont, city of	Alameda	065028	Do.
Do	Fresno, city of	Fresno	065029	Do.
Do	Unincorporated areas	Humboldt	060060	Do.
Do	do	Imperial	060065	Do.
Do	Imperial Beach, city of	San Diego	060291	Do.
Do	Lafayette, city of	Contra Costa	065037	Do.
Do	Los Angeles, city of	Los Angeles	060137	Do.
Do	Lynwood, city of	Los Angeles	060635	Do.
Do	Unincorporated areas	Nevada	060210	Do.
Do	Newark, city of	Alameda	060009	Do.
Do	Unincorporated areas	Placer	060239	Do.
Do	Unincorporated areas	Plumas	060244	Do.
Do	Portola Valley, city of	San Mateo	065052	Do.



State	Community name	County	Community No.	Effective date
Do	Unincorporated areas	Sacramento	060262	Do
Do	San Dimas, city of	Los Angeles	060154	Do
Do	Santa Barbara, city of	Santa Barbara	060335	Do
Do	Unincorporated areas	Solano	060631	Do
Do	Sonoma, city of	Sonoma	060383	Do
Do	Tehachapi, city of	Kern	060084	Do
Do	Whittier, city of	Los Angeles	060169	Do
Oklahoma	Alderson, town of	Pittsburg	400257	Do
Do	Allen, town of	Pontotoc	400174	Do
Do	Arkoma, town of	LaFlore	400343	Do
Do	Bennington, town of	Bryan	400260	Do
Do	Billings, town of	Noble	400347	Do
Do	Bowlegs, town of	Seminole	400468	Do
Do	Brooksville, city of	Pottawatomie	400469	Do
Do	Unincorporated areas	Bryan	400482	Do
Do	Cameron, town of	LaFlore	400271	Do
Do	Canton, town of	Blaine	400012	Do
Do	Cleo Springs, town of	Major	400290	Do
Do	Commerce, city of	Ottawa	400156	Do
Do	Covington, town of	Garfield	400362	Do
Do	Coyale, town of	Logan	400097	Do
Do	Crescent, town of	Logan	400098	Do
Do	Elmore City, town of	Garvin	400374	Do
Do	Forest Park, city of	Oklahoma	400379	Do
Do	Freedom, town of	Woods	400227	Do
Do	Hartshorne, city of	Pittsburg	400387	Do
Do	Hoffman, town of	Okmulgee	400285	Do
Do	Keota, town of	Haskell	400391	Do
Do	Langston, town of	Logan	400297	Do
Do	Lehigh, town of	Coal	400299	Do
Do	Lone Grove, town of	Carter	400395	Do
Do	Manitou, town of	Tillman	400302	Do
Do	McCurain, city of	Haskell	400397	Do
Do	Milburn, town of	Johnston	400308	Do
Do	Moffett, town of	Sequoyah	400196	Do
Do	Oakland, town of	Marshall	400313	Do
Do	Picher, city of	Ottawa	400159	Do
Do	Pond Creek, city of	Grant	400433	Do
Do	Relston, town of	Pawnee	400164	Do
Do	Randlett, town of	Cotton	400318	Do
Do	Red Bird, town of	Wagoner	400321	Do
Do	Reydon, town of	Roger Mills	400322	Do
Do	Roff, town of	Pontotoc	400176	Do
Do	Sasakwa, town of	Seminole	400191	Do
Do	Savanna, town of	Pittsburg	400440	Do
Do	Unincorporated areas	Seminole	400497	Do
Do	Shattuck, town of	Ellis	400061	Do
Do	Shidler, town of	Osage	400401	Do
Do	South Coffeyville, town of	Nowata	400411	Do
Do	Stringtown, town of	Atoka	400239	Do
Do	Watts, town of	Adair	400002	Do
Do	Wright City, city of	McCurain	400109	Do
Arkansas	Allport, town of	Lonoke	050379	Aug. 16, 1988.
Do	Unincorporated areas	Baxter	050010	Do
Do	Buckner, city of	Lafayette	050115	Do
Do	Cotton Plant, city of	Woodruff	050231	Do
Do	Damascus, town of	Faulkner	050404	Do
Do	Fulton, town of	Hampstead	050086	Do
Do	Gassville, city of	Baxter	050243	Do
Do	Gilham, city of	Sevier	050244	Do
Do	Jasper, city of	Newton	050160	Do
Do	Knobel, town of	Clay	050032	Do
Do	London, town of	Pope	050340	Do
Do	Louann, town of	Quachita	050262	Do
Do	Lynn, town of	Lawrence	050263	Do
Do	Midland, town of	Sebastian	050203	Do
Do	Ola, city of	Yell	050357	Do
Do	Palestine, city of	St. Francis	050359	Do
Do	Parkin, city of	Cross	050059	Do
Do	Perryville, city of	Perry	050362	Do
Do	Pollard, city of	Clay	050036	Do
Do	Prattville, town of	Grant	050279	Do
Do	Reed, town of	Desha	050070	Do
Do	Sherrill, town of	Jefferson	050110	Do
Do	Unincorporated areas	St. Francis	050184	Do
Do	Tupelo, city of	Jackson	050106	Do
Do	Tyrone, city of	Poinsett	050371	Do
California	Alturas, city of	Modoc	060193	Do
Do	Brisbane, city of	San Mateo	060314	Do
Do	Calixico, city of	Imperial	060067	Do
Do	California City, city of	Kern	060440	Do



State	Community name	County	Community No.	Effective date
Do.	East Palo Alto, city of	San Mateo	060708	Do.
Do.	Fairfax, city of	Marin	060175	Do.
Do.	Fillmore, city of	Ventura	060415	Do.
Do.	Hercules, city of	Contra Costa	060434	Do.
Do.	Holtville, city of	Imperial	060070	Do.
Do.	Laguna Beach, city of	Orange	060223	Do.
Do.	Los Gatos, city of	Santa Clara	060343	Do.
Do.	Millbrae, city of	San Mateo	065045	Do.
Do.	Moorpark, city of	Ventura	060712	Do.
Do.	Unincorporated areas	Napa	060205	Do.
Do.	Newman, city of	Stanislaus	060388	Do.
Do.	Oakdale, city of	Stanislaus	060389	Do.
Do.	Pacifica, city of	San Mateo	060323	Do.
Do.	Placerville, city of	El Dorado	060041	Do.
Do.	Pleasanton, city of	Alameda	060012	Do.
Do.	Redondo Beach, city of	Los Angeles	060150	Do.
Do.	Redwood City, city of	San Mateo	060325	Do.
Do.	St. Helena, city of	Napa	060208	Do.
Do.	San Carlos, city of	San Mateo	060327	Do.
Do.	Sanger, city of	Fresno	060054	Do.
Do.	San Juan Bautista, city of	San Benito	060269	Do.
Do.	San Leandro, city of	Alameda	060013	Do.
Do.	San Marcos, city of	San Diego	060296	Do.
Do.	Unincorporated areas	Santa Clara	060337	Do.
Do.	Santa Maria, city of	Santa Barbara	060336	Do.
Do.	Scotts Valley, city of	Santa Cruz	060356	Do.
Do.	Seaside, city of	Monterey	060203	Do.
Do.	Unincorporated areas	Shasta	060358	Do.
Do.	Tiburon, city of	Marin	060430	Do.
Do.	Walnut Creek, city of	Contra Costa	065070	Do.
Do.	Unincorporated areas	Yolo	060423	Do.
Idaho	Malta, town of	Cassia Co.	160197	Do.
Guam	Guam, territory of		660001	Do.
Hawaii	Unincorporated areas	Hawaii	155166	Do.
Do.	do	Maui	150003	Do.
Louisiana	do	*Beauregard	220026	Do.
Do.	Benton, town of	*Bossier	220032	Do.
Do.	Cankton, village of	*St. Landry	220167	Do.
Do.	Elizabeth, town of	*Allen	220324	Do.
Do.	Grand Cane, village of	*Desoto	220291	Do.
Do.	Independence, town of	*Tangipahoa	220209	Do.
Do.	Iota, town of	*Acadia	220005	Do.
Do.	Jeanerette, city of	*Iberia	220080	Do.
Do.	Mansura, town of	*Avoyelles	220255	Do.
Do.	Merryville, town of	*Beauregard	220028	Do.
Do.	Montpelier, village of	*St. Helena	220300	Do.
Do.	Mound, village of	*Madison	220124	Do.
Do.	Newellton, town of	*Tensas	220216	Do.
Do.	Pine Prairie, village of	*Evangeline	220088	Do.
Do.	Pollock, town of	*Grant	220305	Do.
Do.	Tickfaw, city of	*Tangipahoa	220214	Do.
Do.	Youngsville, village of	*Lafayette	220358	Do.
Do.	Zwolle, town of	*Sabine	220353	Do.
New Mexico	Clayton, town of	Union	350084	Do.
Do.	Espanola, city of	Santa Fe/Rio Arriba	350052	Do.
Do.	Hurley, town of	Grant	350021	Do.
Do.	Logan, village of	Quay	350105	Do.
Do.	Lordsburg, city of	Hidalgo	350026	Do.
Do.	Los Ranchos de Albuquerque	Bernalillo	350123	Do.
Texas	Alto, city of	Cherokee	480740	Do.
Do.	Alvarado, city of	Johnson	480397	Do.
Do.	Anton, city of	Hockley	480353	Do.
Do.	Baird, town of	Callahan	480722	Do.
Do.	Balmorhea, city of	Reeves	480537	Do.
Do.	Bartlett, city of	Bell	480707	Do.
Do.	Bayview, town of	Cameron	480102	Do.
Do.	Unincorporated areas	Bowie	481194	Do.
Do.	Brackettville, city of	Kinney	480422	Do.
Do.	Unincorporated areas	Brooks	481196	Do.
Do.	Browndell, town of	Jasper	481542	Do.
Do.	Cameron, city of	Milam	480478	Do.
Do.	Clifton, city of	Bosque	480052	Do.
Do.	Unincorporated areas	Colorado	480144	Do.
Do.	Daisetta, town of	Liberty	481101	Do.
Do.	Dublin, city of	Erath	480219	Do.
Do.	Unincorporated areas	Duval	480202	Do.
Do.	Edcouch, city of	Hidalgo	480337	Do.
Do.	Ferris, city of	Ellis	481076	Do.
Do.	Franklin, town of	Robertson	480990	Do.
Do.	Friona, city of	Parmer	480523	Do.
Do.	Fruitvale, city of	Van Zandt	481041	Do.



State	Community name	County	Community No.	Effective date
Do.....	Unincorporated areas.....	Gregg.....	480261	Do.
Do.....	Groveton, city of.....	Trinity.....	481032	Do.
Do.....	Gruver, city of.....	Hansford.....	481104	Do.
Do.....	Unincorporated areas.....	Haskell.....	480851	Do.
Do.....	Hawley, town of.....	Jones.....	480885	Do.
Do.....	Hebron, city of.....	Denton.....	481495	Do.
Do.....	Hidalgo, town of.....	Hidalgo.....	480334	Do.
Do.....	Holliday, city of.....	Archer.....	480699	Do.
Do.....	Unincorporated areas.....	Hudspeth.....	480361	Do.

\*Parish.

Harold T. Duryee,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 88-16884 Filed 7-26-88; 8:45 am]

BILLING CODE 6718-03-M

**44 CFR Part 64**

[Docket No. FEMA 6801]

**Suspension of Community Eligibility;  
New Hampshire et al.**

**AGENCY:** Federal Emergency  
Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

**EFFECTIVE DATES:** The third date ("Susp.") listed in the third column.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42

U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 *et seq.*). Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

**PART 64—[AMENDED]**

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.



## § 64.6 List of eligible communities.

State	Location	Community No.	Effective dates of authorization/ cancellation of sale of Flood Insurance in community	Current Effective map date	Date certain Federal assistance no longer available in Special Flood Hazard Areas
<b>Region I—Minimal Conversion</b>					
New Hampshire.....	Middleton, town of, Stafford County.	330022	Oct. 30, 1984, Emerg.; Aug. 1, 1988, Reg.; Aug. 1, 1988, Susp.	8-1-88.....	Aug. 1, 1988.
<b>Region VI</b>					
Texas.....	San Augustine County, unincorporated areas.	481183	Dec. 21, 1978, Emerg.; Aug. 1, 1988, Reg.; Aug. 1, 1988, Susp.	8-1-88.....	Aug. 1, 1988.
<b>Region I—Regular Conversions</b>					
Maine.....	Madison, town of, Somerset County.	230126	July 3, 1975, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
<b>Region III</b>					
Pennsylvania.....	Glasgow, borough of, Beaver County.	420112	Mar. 9, 1977, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Do.....	Southampton, township of, Cumberland County.	421587	Feb. 1, 1977, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Do.....	South Newton, township of, Cumberland County.	421586	Apr. 25, 1977, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Do.....	Tulpehocken, township of, Berks County.	421115	Apr. 19, 1978, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Do.....	West Carroll, township of, Cambria County.	421449	June 15, 1976, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
West Virginia.....	Berkeley County, unincorporated areas.	540282	July 29, 1975, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
<b>Region IV</b>					
Florida.....	Union County, unincorporated areas.	120422	Aug. 22, 1979, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Georgia.....	Fayetteville, city of, Fayette County.	130431	May 25, 1976, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Mississippi.....	Copiah County, unincorporated areas.	280221	May 2, 1979, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Do.....	Georgetown, town of Copiah County.	280045	Oct. 16, 1979, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
<b>Region V</b>					
Illinois.....	Lemont, village of, Cook County.	170117	Mar. 3, 1978, Emerg.; June 30, 1976, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Minnesota.....	Wright County, unincorporated areas.	270534	Oct. 6, 1972, Emerg.; May 1, 1978, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Wisconsin.....	Cassville, village of, Grant County.	555548	Apr. 23, 1971, Emerg.; Feb. 19, 1972, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
<b>Region VIII</b>					
Colorado.....	Boulder, city of, Boulder County.	080024	Apr. 16, 1971, Emerg.; July 17, 1978, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
<b>Region IX</b>					
California.....	Kings County, unincorporated areas.	060086	July 8, 1975, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Do.....	National City, city of, San Diego County.	060293	Jan. 28, 1972, Emerg.; Feb. 15, 1979, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.



State	Location	Community No.	Effective dates of authorization/ cancellation of sale of Flood Insurance in community	Current Effective map date	Date certain Federal assistance no longer available in Special Flood Hazard Areas
<b>Region X</b>					
Idaho.....	Teton County, unincorporated areas.	160230	Apr. 8, 1983, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Oregon.....	Pilot Rock, city of Umatilla County.	410212	July 5, 1974, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
Washington.....	Ritzville, city of, Adams County.	530005	Feb. 14, 1975, Emerg.; Aug. 4, 1988, Reg.; Aug. 4, 1988, Susp.	8-4-88.....	Aug. 4, 1988.
<b>Region I</b>					
Connecticut.....	Cornwall, town of, Litchfield County.	090045	July 25, 1975, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Do.....	Sharon, town of, Litchfield County.	090053	Jan. 17, 1975, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
<b>Region II</b>					
New York.....	Camden, village of, Oneida County.	360993	Dec. 19, 1974, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Do.....	Spring Valley, village of, Rockland County.	365344	Oct. 29, 1971, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
<b>Region III</b>					
Pennsylvania.....	Clay, township of, Huntingdon County.	421687	Apr. 25, 1977, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Do.....	Delaware Water Gap, borough of, Monroe County.	420690	Mar. 3, 1980, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
<b>Region IV</b>					
Florida.....	Gilchrist County, unincorporated areas.	120094	Sept. 3, 1975, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Mississippi.....	Clarke County, unincorporated areas.	280220	Apr. 26, 1979, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
North Carolina.....	Ashe County, unincorporated areas.	370007	Aug. 4, 1975, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Do.....	Lenoir, city of, Caldwell County.	370040	Mar. 29, 1978, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Do.....	West Jefferson, town of, Ashe County.	370009	Aug. 21, 1975, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
<b>Region V</b>					
Minnesota.....	Austin, city of, Mower County.	275228	Sept. 25, 1970, Emerg.; May 14, 1971, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Ohio.....	Darbyville, village of, Pickaway County.	390712	Aug. 25, 1981, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Wisconsin.....	Colfax, village of, Dunn County.	550120	June 21, 1975, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Do.....	Oxford, village of, Marquette County.	550268	Oct. 22, 1975, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
<b>Region VI</b>					
Louisiana.....	Port Vincent, village of, Livingston Parish.	220119	May 17, 1977, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
<b>Region VII</b>					
Kansas.....	Atwood, city of, Rawlins County.	200280	June 18, 1970, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Do.....	Barton County, unincorporated areas.	200016	Aug. 15, 1975, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Nebraska.....	Randolph, city of, Cedar County.	310397	Jan. 24, 1977, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.



State	Location	Community No.	Effective dates of authorization/ cancellation of sale of Flood Insurance in community	Current Effective map date	Date certain Federal assistance no longer available in Special Flood Hazard Areas
<b>Region VIII</b>					
Colorado.....	Broomfield, city of, Boulder County.	085073	Feb. 18, 1972, Emerg.; Sept. 7, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Montana.....	Missoula County, unincorporated areas.	300048	Jan. 15, 1975, Emerg.; Aug. 16, 1983, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Do.....	Missoula, city of, Missoula County.	300049	Mar. 14, 1975, Emerg.; Jan. 6, 1983, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
<b>Region IX</b>					
California.....	Trinity County, unincorporated areas.	060401	Jan. 15, 1982, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
<b>Region X</b>					
Oregon.....	Columbia County, unincorporated areas.	410034	Apr. 11, 1974, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Do.....	Deschutes County.....	410055	Jan. 19, 1976, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Do.....	Scappoose, city of, Columbia County.	410039	Dec. 17, 1987, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
Do.....	Vernonia, city of, Columbia County.	410041	Apr. 26, 1974, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
<b>Region V—Minimal Conversions</b>					
Michigan.....	Barrien, town of, Berrien County.	260733	Nov. 4, 1982, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.
<b>Region X</b>					
Oregon.....	Spray, city of, Wheeler County.	410248	May 22, 1975, Emerg.; Aug. 16, 1988, Reg.; Aug. 16, 1988, Susp.	8-16-88.....	Aug. 16, 1988.

Code for reading fourth column: Emerg.—Emergency, Reg.—Regular, Susp.—Suspension.

Harold T. Duryee,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 88-16885 Filed 7-26-88; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 64

[Docket No. FEMA 6800]

#### List of Communities Eligible for the Sale of Flood Insurance; Pennsylvania et al.

**AGENCY:** Federal Emergency  
Management Agency.

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of

property located in the communities listed.

**EFFECTIVE DATES:** The date listed in the fourth column of the table.

**ADDRESS:** Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza 500 C Street, Southwest, Room 416, Washington, DC 20472.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management

measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The data of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Director finds that the delayed effected dates would be contrary to the public interest. The Director also finds



that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies

that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

#### PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

#### § 64.6 List of eligible communities.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Current effective map date
Pennsylvania	Dyberry, township of, Wayne County	422165	May 2, 1975, Emerg.; Sept. 30, 1987, Reg.; Sept. 30, 1987, Susp.; June 6, 1988, Rein.	Sept. 30, 1987.
Do	Starrucca, borough of, Wayne County	420867	Nov. 26, 1975, Emerg.; Feb. 17, 1988, Reg.; Feb. 17, 1988, Susp.; June 6, 1988, Rein.	Feb. 17, 1988.
Do	Tyrone, township of, Perry County	421961	Feb. 22, 1977, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.; June 6, 1988, Rein.	Mar. 4, 1988.
New York	Ashford, town of, Cattaraugus County	360062	Sept. 30, 1975, Emerg.; May 25, 1984, Reg.; May 17, 1988, Susp.; June 6, 1988, Rein.	May 25, 1984.
Do	Forestville, village of, Chautauqua County	361501	Feb. 18, 1977, Emerg.; Mar. 18, 1983, Reg.; May 17, 1988, Susp.; June 6, 1988, Rein.	Mar. 18, 1983.
Do	Geneseo, town of, Livingston County	360384	Feb. 18, 1977, Emerg.; Mar. 18, 1983, Reg.; May 17, 1988, Susp.; June 8, 1988, Rein.	Aug. 1, 1978.
Do	Geddes, town of, Onondaga County	360579	May 19, 1975, Emerg.; Feb. 17, 1982, Reg.; May 17, 1988, Susp.; June 8, 1988, Rein.	Feb. 17, 1982.
New York	Elbridge, village of, Onondaga County	360576	Feb. 18, 1975, Emerg.; Aug. 16, 1982, Reg.; May 17, 1988, Susp.; June 8, 1988, Rein.	Aug. 16, 1982.
Arizona	Cave Creek, town of, Maricopa County	040127— New	June 9, 1988, Emerg.; June 9, 1988, Reg.	Apr. 15, 1988.
Tennessee	Viola, town of, Warren County	470196	June 6, 1983, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.; June 15, 1988, Rein.	Mar. 16, 1988.
Texas	* Idalou, town of, Lubbock County	480916	May 19, 1978, Emerg.; June 1, 1988, Reg.; June 1, 1988, Susp.; June 16, 1988, Rein.	June 1, 1988.
New York	Clermont, town of, Columbia County	361315	Nov. 13, 1975, Emerg.; Sept. 5, 1984, Reg.; May 17, 1988, Susp.; June 22, 1988, Rein.	Sept. 5, 1984.
Do	* Gloversville, city of, Fulton County	360275	Dec. 10, 1974, Emerg.; Sept. 30, 1983, Reg.; May 17, 1988, Susp.; June 22, 1988, Rein.	Sept. 30, 1983.
Vermont	Mendon, town of, Rutland County	500095	June 19, 1975, Emerg.; Sept. 18, 1985, Reg.; Sept. 18, 1985, Susp.; June 22, 1988, Rein.	Sept. 18, 1985.
New York	Fenner, town of, Madison County	360399	Mar. 19, 1976, Emerg.; Feb. 5, 1986, Reg.; May 17, 1988, Susp.; June 22, 1988, Rein.	Feb. 5, 1986.
Tennessee	Arlington, town of, Shelby County	470262	Sept. 10, 1981, Emerg.; Sept. 10, 1981, Reg.; Feb. 4, 1988, Susp.; June 23, 1988, Rein.	Feb. 11, 1983.
West Virginia	Barboursville, village of, Cabell County	540017	May 13, 1975, Emerg.; June 3, 1988, Reg.; June 3, 1988, Susp.; June 23, 1988, Rein.	June 3, 1988.
Tennessee	Fayette County, unincorporated areas	470352	Aug. 19, 1975, Emerg.; July 5, 1983, Reg.; Feb. 17, 1988, Susp.; June 23, 1988, Rein.	July 5, 1983.
Iowa	Brayton, city of, Audubon County	190920	June 9, 1975, Emerg.; Aug. 19, 1985, Reg.; June 3, 1988, Susp.; June 27, 1988, Rein.	Aug. 19, 1985.
<b>Region II—Minimal Conversions</b>				
New York	Durham, town of, Greene County	360289	June 1, 1988, Suspension Withdrawn	June 1, 1988.
Do	Livonia, village of, Livingston County	361458	do	Do.
Do	Windham, town of, Greene County	361401	do	Do.
<b>Region IV</b>				
Tennessee	White House, city of, Sumner County	470339	do	Do.
<b>Region V</b>				
Minnesota	Koochiching County, unincorporated areas	270233	do	Do.
<b>Region I—Regular Conversions</b>				
Connecticut	Lebanon, town of, New London County	090155	June 3, 1988, Suspension Withdrawn	June 3, 1988.
Do	Voluntown, town of, New London County	090143	do	Do.
Do	Washington, town of, Litchfield County	090057	do	Do.
Maine	Norridgewock, town of, Somerset County	230178	do	Do.
Do	West Paris, town of, Oxford County	230100	do	Do.
Massachusetts	Concord, town of, Middlesex County	250189	do	Do.



State	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Current effective map date
New Hampshire	Meredith, town of, Belknap County.....	330006	do	Do.
Vermont	Grand Isle, town of, Grand Isle County.....	500223	do	Do.
<b>Region III</b>				
Pennsylvania	New Florence, borough of Westmoreland.....	420890	do	Do.
<b>Region IV</b>				
Florida	Arcadia, city of, DeSoto County.....	120073	do	Do.
Do	DeSoto County, unincorporated areas.....	120072	do	Do.
<b>Region V</b>				
Ohio	Muskingum County, unincorporated areas.....	390425	do	Do.
<b>Region X</b>				
Oregon	Baker County, unincorporated areas.....	410001	do	Do.
Do	Baker, city of, Baker County.....	410002	do	Do.
Do	Sumpter, city of, Baker County.....	410007	do	Do.
<b>Region I—Regular Conversions</b>				
Maine	Oakland, town of, Kennebec County.....	230242	June 15, 1988, Suspension Withdrawn.....	June 15, 1988.
Vermont	Norwich, town of, Windsor County.....	500295	do	Do.
Do	St. Albans, town of, Franklin County.....	500219	do	Do.
Do	Underhill, town of, Chittenden County.....	500042	do	Do.
Do	Weathersfield, town of, Windsor County.....	500156	do	Do.
Do	Wells, town of, Rutland County.....	500271	do	Do.
Do	Windsor, town of, Windsor County.....	500159	do	Do.
<b>Region V</b>				
Ohio	Moreland Hills, village of, Cuyahoga County.....	390118	do	Do.
Wisconsin	Neosho, village of, Dodge County.....	550104	do	Do.
Do	Princeton, city of, Green Lake County.....	550171	do	Do.
<b>Region VI</b>				
Louisiana	Many, town of, Sabine Parish.....	220158	do	Do.
<b>Region III—Minimal Conversions</b>				
West Virginia	Romney, town of, Hampshire County.....	422496	do	Do.
<b>Region IV</b>				
Georgia	Haralson County, unincorporated areas.....	130495	do	Do.

\* Minimal.

Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

Harold T. Duryee,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 88-16886 Filed 7-26-88; 8:45 am]

BILLING CODE 6715-03-88

**44 CFR Part 67****Final Flood Elevation Determinations; Connecticut et al.**

**AGENCY:** Federal Emergency  
Management Agency.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This data may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2767.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been

published in the **Federal Register** for each community listed.

The final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days have been provided.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation



determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O., 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>CONNECTICUT</b>	
<b>North Canaan (town), Litchfield County (FEMA Docket No. 6923)</b>	
<i>Housatonic River:</i>	
At downstream corporate limits	*645
At State boundary	*855
<i>Camp Brook:</i>	
At confluence with Blackberry River	*653
At Pease Street	*672
At U.S. Route 7	*681
<i>Konkapot River:</i>	
At downstream corporate limits	*682
At upstream corporate limits	*695
<b>Maps available for inspection at the Town Clerk's Vault, Town Hall, Pease Street, North Canaan, Connecticut.</b>	
<b>FLORIDA</b>	
<b>Unincorporated areas of Alachua County (FEMA Docket No. 6923)</b>	
<i>Santa Fe River:</i>	
At county boundary	*40
At Little Santa Fe Lake	*144
Little Santa Fe Lake: Along shoreline	*144
Santa Fe Lake: Along shoreline	*144
Lake Altha: Along shoreline	*144
<b>Maps available for inspection at the County Planning Office, County Administration Building, Gainesville, Florida.</b>	
<b>Waldo (city), Alachua County (FEMA Docket No. 6923)</b>	
Lake Altha: Within community	*144
<b>Maps available for inspection at the City Hall, Waldo, Florida.</b>	

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>GEORGIA</b>			
<b>Americus (city), Sumter County (FEMA Docket No. 6926)</b>			
<i>Muckalee Creek:</i>		About 1,300 feet downstream of Kings Bridge Road	*728
At mouth	*321	Just downstream of dam	*783
About 6,500 feet upstream of Meadowbrook Drive	*333	Just upstream of dam	*791
<i>Town Creek:</i>		Just downstream of Huntington Road	*798
At mouth	*330	<i>Skeeter Branch:</i>	
Just downstream of Mayo Street	*354	At mouth	*768
Just upstream of Mayo Street	*361	Just downstream of CSX railroad	*786
About 1,700 feet upstream of Mayo Street	*361	<i>South Prong Skeeter Branch:</i>	
<i>Mill Creek:</i>		About 1,200 feet downstream of U.S. Route 278	*797
About 3,000 feet downstream of CXS railroad	*336	Just downstream of Frank Lott Drive	*820
Just downstream of U.S. Route 280	*361	About 500 feet upstream of Frank Lott Drive	*826
<i>Mill Creek Tributary:</i>		<i>Fish Creek:</i>	
About 750 feet downstream of CSX railroad	*338	At mouth	*730
Just downstream of Felder Street	*353	Just downstream of Hendrix Road	*818
Just upstream of Felder Street	*361	<i>Thompson Creek:</i>	
<b>Maps available for inspection at the Office of the Community Development Director, City Hall, Americus, Georgia.</b>			
<b>Aragon (city), Polk County (FEMA Docket No. 6923)</b>			
<i>Euharlee Creek:</i>		About 1.3 miles downstream of Sycamore Street	*752
About 1,800 feet upstream of State Route 101	*730	Just downstream of County Route 221	*806
About 1 mile upstream of State Route 101	*731	<i>Elm Street Slough:</i>	
<b>Maps available for inspection at the City Clerk's Office, City Hall, Aragon, Georgia.</b>			
<b>Cedartown (city), Polk County (FEMA Docket No. 6926)</b>			
<i>Cedar Creek:</i>		About 1,100 feet downstream of Sherwood Drive	*765
About 350 feet downstream of confluence of Skeeter Branch	*768	Just downstream of Morgan Road	*793
About 3,550 feet upstream of Canal Street	*778	<i>Simpson Creek:</i>	
<i>Skeeter Branch:</i>		At mouth	*764
About 850 feet downstream of North Cave Spring Road	*768	About 4,000 feet above mouth	*771
Just downstream of College Street	*772	<i>Euharlee Creek:</i>	
Just upstream of College Street	*778	About 1.7 miles upstream of Taylorsville Road	*713
About 3,200 feet upstream of Norfolk Southern Railway	*797	Just downstream of Government Farm Road	*765
<i>South Prong Skeeter Branch:</i>		<i>Tributary A:</i>	
At mouth	*784	About 1,050 feet downstream of Nathan Dean Bypass	*760
About 1,500 feet upstream of East Avenue	*797	Just downstream of Braswell Road	*816
<i>Tanyard Branch:</i>		<i>White River Cave Creek:</i>	
At confluence with Cedar Creek	*776	At mouth	*741
Just upstream of CSX railroad	*795	Just downstream of Marquette Road	*763
<b>Maps available for inspection at the Building Inspector's Office, City Hall, Cedartown, Georgia.</b>			
<b>ILLINOIS</b>			
<b>Clark County (unincorporated areas) (FEMA Docket No. 6923)</b>			
<i>Wabash River:</i>		At downstream county boundary	*450
At downstream county boundary	*450	About 1,600 feet upstream of confluence of Crooked Creek	*483
<b>Maps available for inspection at the County Clerk's Office, County Courthouse, Marshall, Illinois.</b>			
<b>Wenona (city), Marshall County (FEMA Docket No. 6926)</b>			
<i>Sandy Creek Tributary:</i>		Just upstream of Elm Street	*673
Just upstream of Elm Street	*673	About 1,075 feet upstream of Third South Street	*687
<b>Maps available for inspection at the Wenona State Bank, Wenona, Illinois.</b>			
<b>KANSAS</b>			
<b>Abilene (city) Dickinson County (FEMA Docket No. 6920)</b>			
<i>Mud Creek:</i>		About 600 feet downstream of Atchison Topeka and Santa Fe Railway	*1,152
About 600 feet downstream of Atchison Topeka and Santa Fe Railway	*1,152	About 1,700 feet upstream of North 7th Street	*1,159
<i>Mud Creek Tributary No. 1:</i>		At mouth	*1,159
At mouth	*1,159	Just upstream of Washington Street	*1,167
Just upstream of Washington Street	*1,167	<i>Smoky Hill River:</i>	
<i>Smoky Hill River:</i>		About 0.4 mile downstream of State Highway 15 (Buckeye Avenue)	*1,146
About 0.4 mile downstream of State Highway 15 (Buckeye Avenue)	*1,146	About 1.7 miles upstream of State Highway 15 (Buckeye Avenue)	*1,151
<b>Maps available for inspection at the Office of the City Inspector, City Building, Abilene, Kansas.</b>			



Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
<b>Chapman (city), Dickinson County (FEMA Docket No. 6920)</b>		About 2.0 miles upstream of confluence of East Turkey Creek Tributary No. 5.....	*1,316	<b>Maps available for inspection at the City Hall, Elizabethtown, Kentucky.</b>	
<i>Smoky Hill River:</i>		<i>Middle Branch Turkey Creek:</i>		<b>Hardin County (unincorporated areas) (FEMA Docket No. 6923)</b>	
About 1,600 feet downstream of State Highway 206 (Marshall Street).....	*1,111	At mouth.....	*1,318	<i>Valley Creek:</i>	
About 0.40 mile upstream of State Highway 206 (Marshall Street).....	*1,114	At county boundary.....	*1,324	About 2,400 feet downstream of Western Kentucky Parkway.....	*668
<i>Chapman Creek:</i>		<i>East Turkey Creek Tributary No. 1:</i>		About 400 feet upstream of the CSX railroad .....	*684
Just downstream of Union Pacific Railroad.....	*1,111	About 2.97 miles upstream of confluence of East Turkey Creek Tributary No. 2.....	*1,278	<i>Otter Creek:</i>	
About 2 miles upstream of Union Pacific Railroad.....	*1,115	<i>East Turkey Creek Tributary No. 2:</i>		About 950 feet downstream of State Route 144 .....	*630
<b>Maps available for inspection at the City Hall, 402 Marshall, Chapman, Kansas.</b>		At mouth.....	*1,286	About 3,500 feet upstream of Private Road.....	*652
		Just downstream of Turkey Creek Dam No. 8.....	*1,297	<i>Brushy Fork:</i>	
<b>Dickinson County (unincorporated areas) (FEMA Docket No. 6920)</b>		<i>East Turkey Reservoir No. 6: Along Shoreline.....</i>	*1,343	At mouth.....	*632
<i>Smoky Hill River:</i>		<i>East Turkey Reservoir No. 5: Along Shoreline.....</i>	*1,339	About 350 feet upstream of Unnamed Street.....	*645
About 1.44 miles downstream of State Highway 206.....	*1,110	<i>East Turkey Reservoir No. 4: Along Shoreline.....</i>	*1,301	<i>Rolling Fork:</i>	
About 2.6 miles upstream of County Highway 186.....	*1,173	<i>Turkey Reservoir No. 3: Along Shoreline.....</i>	*1,296	About 1,600 feet downstream of Colesburg Road.....	*452
<i>Chapman Creek:</i>		<i>Turkey Reservoir No. 8: Along Shoreline.....</i>	*1,318	About 1,600 feet upstream of confluence of Clear Creek.....	*453
At mouth.....	*1,110	<i>Turkey Reservoir No. 11: Along Shoreline.....</i>	*1,384	<i>Ohio River: Within community.....</i>	*443
About 3.3 miles upstream of Union Pacific railroad.....	*1,116	<i>Turkey Reservoir No. 12: Along Shoreline.....</i>	*1,305	<i>Billy Creek:</i>	
<i>Mud Creek:</i>		<i>Turkey Reservoir No. 1: Along Shoreline.....</i>	*1,314	At mouth.....	*679
At mouth.....	*1,148	<i>Turkey Reservoir No. 14: Along Shoreline.....</i>	*1,259	About 0.7 mile upstream of Saint John Road.....	*707
Just downstream of U.S. Highway 40 and Interstate 70.....	*1,167	<i>Turkey Reservoir No. 2: Along Shoreline.....</i>	*1,236	<i>Shaw Creek:</i>	
<i>Mud Creek Tributary No. 1:</i>		<i>Lime Reservoir No. 3: Along Shoreline.....</i>	*1,401	About 0.5 mile upstream of Saint John Road.....	*714
At mouth.....	*1,159	<i>Lyon Reservoir No. 6: Along Shoreline.....</i>	*1,344	About 700 feet upstream of Private Drive.....	*770
About 0.4 mile upstream of Atchison, Topeka and Santa Fe Railway.....	*1,176	<i>Lyon Reservoir No. 12: Along Shoreline.....</i>	*1,300	<b>Maps available for inspection at the County Planning Commission, 14 Public Square, Elizabethtown, Kentucky.</b>	
<i>Solomon River:</i>		<i>Lyon Reservoir No. 13: Along Shoreline.....</i>	*1,282		
At mouth.....	*1,170	<i>Lime Reservoir No. 11: Along Shoreline.....</i>	*1,301	<b>Vine Grove (city), Hardin County (FEMA Docket No. 6923)</b>	
About 700 feet upstream of confluence of Solomon River Tributary.....	*1,171	<i>Lime Reservoir No. 10: Along Shoreline.....</i>	*1,308	<i>Brushy Fork:</i>	
<i>Solomon River Tributary:</i>		<i>Lyon Reservoir No. 7: Along Shoreline.....</i>	*1,314	About 150 feet downstream of Pitto Lane.....	*633
At mouth.....	*1,171	<i>Lyon Reservoir No. 14: Along Shoreline.....</i>	*1,285	About 370 feet upstream of Unnamed Street.....	*645
About 0.78 mile upstream of 7th Street.....	*1,189	<i>Carry Reservoir No. 16: Along Shoreline.....</i>	*1,253	<i>Otter Creek:</i>	
<i>Lyon Creek:</i>		<i>Lime Reservoir No. 4: Along Shoreline.....</i>	*1,346	Just downstream of State Route 144.....	*633
At county boundary.....	*1,147	<b>Maps available for inspection at the County Zoning Office, County Courthouse, Abilene, Kansas.</b>		About 3,500 feet upstream of Private Road.....	*652
Just downstream of Lyon Creek Dam No. 6.....	*1,306			<b>Maps available for inspection at the City Hall, 201 West Main Street, Vine Grove, Kentucky.</b>	
Just upstream of Lyon Creek Dam No. 6.....	*1,344	<b>Enterprise (city), Dickinson County (FEMA Docket No. 6920)</b>			
About 0.27 mile upstream of Oklahoma, Kansas, and Texas Railroad.....	*1,344	<i>Smoky Hill River:</i>		<b>MAINE</b>	
<i>Carry Creek:</i>		About 0.6 mile downstream of State Highway 43 (Bridge Street).....	*1,130	<b>Bucksport (town), Hancock County (FEMA Docket No. 6923)</b>	
Just upstream of mouth.....	*1,148	About 0.6 mile upstream of State Highway 43 (Bridge Street).....	*1,133	<i>Penobscot River: Entire shoreline within corporate limits.....</i>	*11
About 4.07 miles upstream of State Highway 209.....	*1,293	<b>Maps available for inspection at the City Office, Enterprise, Kansas.</b>		<i>Long Pond: Entire shoreline.....</i>	*66
<i>West Branch Lyon Creek:</i>				<i>Hancock Pond: Entire shoreline.....</i>	*105
At mouth.....	*1,222	<b>Louisville (city), Pottawatomie County (FEMA Docket No. 6923)</b>		<b>Maps available for inspection at the Town Office, Main Street, Bucksport, Maine.</b>	
About 11.08 miles upstream of State Highway 218.....	*1,313	<i>Rock Creek:</i>			
<i>Lime Creek:</i>		Approximately 1,500 feet downstream of corporate limits.....	*1,002	<b>Ellsworth (city), Hancock County (FEMA Docket No. 6923)</b>	
At mouth.....	*1,253	Downstream corporate limits.....	*1,003	<i>Union River:</i>	
About 1.15 miles upstream of U.S. Highway 77 and 56.....	*1,363	Downstream side of State Route 99.....	*1,008	At downstream corporate limits.....	*11
<i>Lime Creek Tributary No. 2:</i>		Upstream corporate limits.....	*1,010	Approximately 1,800 feet upstream of confluence of Branch Lake Stream.....	*74
At mouth.....	*1,315	<b>Maps available for inspection at the City Hall, Louisville, Kansas.</b>		At confluence with Graham Lake.....	*107
Just downstream of U.S. Highway 77.....	*1,344			<i>Graham Lake: Entire shoreline within corporate limits.....</i>	*107
Just upstream of U.S. Highway 77.....	*1,351	<b>Solomon (city), Dickinson County (FEMA Docket No. 6920)</b>		<i>Green Lake: Entire shoreline within corporate limits.....</i>	*162
<i>Lime Creek Tributary No. 4:</i>		<i>Solomon River Tributary:</i>		<i>Branch Lake: Entire shoreline within corporate limits.....</i>	*240
At mouth.....	*1,325	Just downstream of Main Street.....	*1,171	<b>Maps available for inspection at the City Office, Church Street, Ellsworth, Maine.</b>	
Just downstream of Oklahoma, Kansas, and Texas Railroad.....	*1,341	About 500 feet upstream of Seventh Street.....	*1,178		
<i>Turkey Creek:</i>		<i>Smoky Hill River:</i>		<b>Machias (town), Washington County (FEMA Docket No. 6923)</b>	
At mouth.....	*1,143	About 500 feet downstream of County Highway 186.....	*1,169	<i>Machias River:</i>	
At confluence of East and West Turkey Creeks.....	*1,257	About 1.0 mile upstream of County Highway 186.....	*1,171	Approximately 0.3 mile downstream of confluence of Libby Brook.....	*13
<i>West Branch Turkey Creek:</i>		<i>Solomon River:</i>		Approximately 400 feet upstream of upstream corporate limits.....	*49
At mouth.....	*1,180	About 1.3 miles downstream of confluence of Solomon River Tributary.....	*1,170	<b>Maps available for inspection at the Town Manager's Office, Town Hall, Machias, Maine.</b>	
About 2.36 miles upstream of State Highway 15.....	*1,253	About 700 feet upstream of confluence of Solomon River Tributary.....	*1,171		
<i>Turkey Creek Tributary No. 1:</i>		<b>Maps available for inspection at the City Office Building, Solomon, Kansas.</b>			
At mouth.....	*1,240				
At State Highway 4.....	*1,282	<b>KENTUCKY</b>			
<i>Turkey Creek Tributary No. 2:</i>		<b>Elizabethtown (city) Hardin County (FEMA Docket No. 6923)</b>			
At mouth.....	*1,244	<i>Valley Creek:</i>			
About 0.45 mile upstream of Union Pacific railroad.....	*1,263	About 1,500 feet downstream of Gaither Station Road.....	*680		
<i>West Turkey Creek:</i>		Just downstream of Old Nicholas Street.....	*686		
At mouth.....	*1,257				
About 1.97 miles upstream of confluence of Middle Branch Turkey Creek.....	*1,337				
<i>East Turkey Creek:</i>					
At mouth.....	*1,257				







Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Maps available for inspection at the City Manager's Office, City Hall, 30 North Main Street, Pittman, Ohio.		At upstream side of 273rd East Avenue.....	*577	Approximately 1.70 miles upstream of confluence with Coweta Creek.....	*652
<b>OKLAHOMA</b>		At upstream side of 225th East Avenue.....	*615	<b>Maps available for inspection at the Wagoner County Courthouse, 307 East Cherokee Street, Wagoner, Oklahoma.</b>	
<b>Ottawa County (unincorporated areas) (FEMA Docket No. 6926)</b>		At 193rd East Avenue.....	*663	<b>PENNSYLVANIA</b>	
<b>Little Elm Creek:</b>		<b>Springtown Creek:</b>		<b>Amity (township), Erie County (FEMA Docket No. 6923)</b>	
At confluence with Neosho River.....	*772	At confluence with Adams Creek.....	*567	<b>Union City Reservoir:</b> Entire shoreline within community.....	*1,278
At State Highway 10.....	*772	Approximately .58 mile upstream of confluence with Adams Creek.....	*581	<b>Maps available for inspection at the Township Building, Casler Road, Union City, Pennsylvania.</b>	
Approximately 18,300 feet above confluence with Neosho River.....	*789	<b>Midway Creek:</b>		<b>Conway (borough), Beaver County (FEMA Docket No. 6923)</b>	
<b>Lost Creek (Lower Reach):</b>		At confluence with Adams Creek.....	*578	<b>Ohio River:</b> For its entire length within the community.....	*706
At Main Street.....	*757	Approximately 1.04 miles upstream of 257th East Avenue.....	*601	<b>Maps available for inspection at the Borough Building, 1208 Third Avenue, Conway, Pennsylvania.</b>	
Approximately 13,700 feet above confluence with Lake of the Cherokees.....	*768	<b>Timber Creek:</b>		<b>Coolbaugh (township), Monroe County (FEMA Docket No. 6923)</b>	
<b>Lost Creek (Upper Reach):</b>		At confluence with Adams Creek.....	*598	<b>Tobyhanna Creek:</b>	
Approximately 45,800 feet above confluence with Lake of the Cherokees.....	*829	Approximately 50 feet upstream of 257th East Avenue.....	*629	At Interstate 81.....	*1,877
At Burlington Northern Railroad.....	*837	<b>Covington Creek:</b>		Approximately 1,100 feet upstream of Leonard Lane.....	*1,923
At Ottawa County boundary.....	*847	At downstream side of 71st Street South.....	*608	<b>Lehigh River:</b>	
<b>Neosho River:</b>		At upstream side of 91st Street South.....	*658	Approximately .25 mile upstream of confluence of Choke Creek.....	*1,514
Approximately 49,000 feet above confluence with Spring River.....	*769	Approximately 250 feet upstream of 101st Street South.....	*692	Approximately .8 mile upstream of confluence of Wolf Run.....	*1,570
At Interstate Highway 44.....	*772	<b>Covington Creek Tributary:</b>		<b>Maps available for inspection at the Township Building, 242 Laurel Drive, Tobyhanna, Pennsylvania.</b>	
At confluence of Tar Creek.....	*773	At confluence with Covington Creek.....	*612	<b>Findlay (township), Allegheny County (FEMA Docket No. 6923)</b>	
Approximately 2,750 feet upstream of confluence of Tar Creek.....	*774	Approximately .81 mile upstream of Gafford Boulevard.....	*639	<b>McClaron Run:</b>	
<b>Tar Creek:</b>		<b>School Creek:</b>		Approximately 550 feet downstream of Cliff Mine Road.....	*867
At confluence with Neosho River.....	*773	At confluence with Adams Creek.....	*604	Approximately 0.3 mile upstream of Hilton Inn Drive.....	*920
At D Street.....	*789	Approximately .77 mile upstream of 81st Street South.....	*657	<b>Montour Run:</b>	
Approximately 6,550 feet upstream of D Street.....	*795	<b>Lone Star Creek:</b>		At downstream corporate limits.....	*867
<b>Warren Branch:</b>		At confluence with Adams Creek.....	*642	Approximately 400 feet downstream of first downstream crossing of Railroad Street.....	*940
Approximately 19,600 feet above confluence with Spring River.....	*855	Approximately .32 mile upstream of 61st Street South.....	*678	Approximately 0.6 mile upstream of School Road.....	*979
Approximately 27,000 feet above confluence with Spring River.....	*895	<b>Salt Creek:</b>		<b>South Fork Montour Run:</b>	
<b>Maps available for inspection at the Ottawa County Courthouse, Miami, Oklahoma.</b>		At confluence with Verdigris River.....	*557	At U.S. Route 30.....	*979
<b>Ponca City (city), Kay County (FEMA Docket No. 6923)</b>		Approximately .51 mile upstream of confluence with Salt Creek Tributary 2.....	*618	Approximately .3 mile upstream of Santiago Road.....	*1,026
<b>Arkansas River:</b>		<b>Salt Creek Tributary 1:</b>		<b>North Fork Montour Run:</b>	
At intersection of 12th Street and Edwards Avenue.....	*926	At confluence with Salt Creek.....	*579	At confluence with Montour Run.....	*979
At intersection of Lake Road and Rosedale Drive.....	*932	Approximately .52 mile upstream of confluence with Salt Creek.....	*590	Approximately .4 mile downstream of Point Park Road.....	*1,050
<b>Tributary D:</b> At confluence with Arkansas River.....	*930	<b>Salt Creek Tributary 2:</b>		Approximately 160 feet upstream of Point Park Road.....	*1,078
<b>Tributary H:</b>		At confluence with Salt Creek.....	*608	<b>Maps available for inspection at the Township Community Center, U.S. Route 30, Clinton, Pennsylvania.</b>	
At confluence with Arkansas River.....	*926	Approximately .40 mile upstream of confluence with Salt Creek.....	*613	<b>Mead (township), Warren County (FEMA Docket No. 6923)</b>	
Approximately 450 feet downstream of Twelfth Street.....	*929	<b>Spunky Creek:</b>		<b>Allegheny River:</b>	
<b>Tributary I:</b>		At downstream County boundary.....	*598	Downstream corporate limits.....	*1,184
At Eleventh Street.....	*926	At upstream side of 21st Street South.....	*645	Approximately 2.02 miles upstream of U.S. Route 6.....	*1,194
Approximately 500 feet downstream of Seventh Street.....	*933	Approximately .72 mile upstream of 193rd East Avenue.....	*668	Downstream side of Kinzua Dam.....	*1,208
<b>Tributary W:</b>		<b>Spunky Creek Tributary A:</b>		<b>Maps available for inspection at the Municipal Building, U.S. Route 6, Stoneham, Pennsylvania.</b>	
At downstream corporate limits.....	*939	At upstream side of State Route 33.....	*617	<b>Middle Smithfield (township), Monroe County (FEMA Docket No. 6920)</b>	
At upstream corporate limits.....	*990	At downstream side of 193rd East Avenue.....	*632	<b>Bushkill Creek:</b>	
<b>Maps available for inspection at the City Hall, Ponca City, Oklahoma.</b>		<b>Broken Arrow Creek:</b>		At T-523.....	*433
<b>Wagoner County (unincorporated areas) (FEMA Docket No. 6926)</b>		At upstream side of 193rd East Avenue (first crossing).....	*616	At Club House Drive.....	*477
<b>Verdigris River:</b>		At downstream side of 193rd East Avenue (second crossing).....	*667	<b>Marshalls Creek:</b>	
At State Route 16.....	*516	<b>Broken Arrow Creek Tributary:</b>			
At upstream side of State Route 51.....	*533	At confluence with Broken Arrow Creek.....	*826		
At most upstream County boundary.....	*558	Approximately 1.81 miles upstream of 209th East Avenue.....	*663		
<b>Verdigris River Divergence Channel:</b>		<b>Arkansas River:</b>			
At confluence with Verdigris River.....	*516	At confluence of Verdigris River.....	*516		
At divergence from Verdigris River.....	*525	Approximately .55 mile downstream of upstream County boundary.....	*578		
<b>East Coal Creek:</b>		Approximately 1.48 miles upstream of upstream County boundary.....	*581		
At confluence with Verdigris River.....	*526	<b>Neosho River:</b>			
Approximately .31 mile upstream of Pierce Avenue.....	*576	Approximately 0.4 mile downstream of Missouri Pacific Railroad.....	*516		
<b>West Coal Creek:</b>		Approximately 1.66 miles upstream of Missouri Pacific Railroad.....	*519		
At confluence with Verdigris River.....	*542	<b>Coweta Creek:</b>			
Approximately 220 feet upstream of Lone Star Road.....	*547	At confluence with Arkansas River.....	*571		
At upstream side of 305th East Avenue.....	*587	At upstream side of 141st Street South.....	*820		
At upstream side of 273rd East Avenue.....	*641	Approximately .98 mile upstream of confluence of Coweta Creek Tributary B.....	*668		
Approximately .97 mile upstream of 91st Street South.....	*695	<b>Coweta Creek Tributary A:</b>			
<b>Adams Creek:</b>		At upstream side of 289th East Avenue.....	*638		
At confluence with Verdigris River.....	*546	At 131st Street South.....	*641		
		<b>Coweta Creek Tributary B:</b>			
		At confluence with Coweta Creek.....	*654		
		Approximately .63 mile upstream of confluence with Coweta Creek.....	*667		
		<b>Middle Branch Tributary:</b>			
		Approximately 1.0 mile upstream of confluence with Coweta Creek.....	*629		



Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 400 feet downstream of confluence of Newton Run.....	*520	Approximately .4 mile downstream of Camp Minsi Road.....	*1,790	At intersection of Ship Point Road and Anchor Drive.....	*9
Approximately 0.4 mile upstream of confluence of Newton Run.....	*590	Approximately 325 feet upstream of Camp Minsi Road.....	*1,809	Shoreline at Anchor Drive extended.....	*12
Approximately 1.1 miles upstream of confluence of Newton Run.....	*630	<i>Lehigh River:</i>		<i>Lambs Creek:</i>	
<i>Pond Creek:</i>		Approximately .5 mile downstream of State Route 115.....	*1,453	On Lambs Creek Drive approximately 1,200 feet east of intersection of Lambs Creek Drive and Calthrop Neck Road.....	*8
At downstream corporate limits.....	*476	Approximately 1.5 miles upstream of State Route 115.....	*1,490	Shoreline 2,000 feet northeast of intersection of Calthrop Neck Road and Shackleford Road.....	*12
Approximately 900 feet upstream of LR 45015.....	*496	Approximately 3.3 miles upstream of State Route 115.....	*1,507	<i>York River:</i>	
<i>Shawnee Creek:</i>		<b>Maps available for inspection at the Tobyhanna Township Building, Pocono Pines, Pennsylvania.</b>		Shoreline at Ferry Point.....	*7
Approximately 0.4 mile downstream of T-517.....	*467			At intersection of U.S. Route 17 and State Route 238.....	*9
Approximately 0.4 mile upstream of T-517.....	*471			Shoreline at U.S. Route 17 bridge.....	*12
<b>Maps available for inspection at the Municipal Building, Municipal Drive, East Stroudsburg, Pennsylvania.</b>				<i>Brick Kiln Creek:</i> At State Route 134 bridge.....	*9
		<b>TENNESSEE</b>		<b>Maps available for inspection at the County Planning Department, County Administrative Office Building, Yorktown, Virginia.</b>	
<b>Ohio (township), Allegheny County (FEMA Docket No. 6923)</b>		<b>Lawrenceburg (city) Lawrence County (FEMA Docket No. 6926)</b>			
<i>Lowries Run:</i>		<i>Shoal Creek:</i>		<b>WEST VIRGINIA</b>	
Approximately 870 feet downstream of Glenn Road.....	*783	About 0.7 mile upstream of Old Shoal Creek Dam.....	*799	<b>Friendly (town), Tyler County (FEMA Docket No. 6923)</b>	
Approximately 0.4 mile upstream of the confluence of Bear Run.....	*856	Just downstream of confluence of Tripp Town Branch.....	*845	<i>Ohio River:</i> For its entire length within community.....	*631
<i>Bear Run:</i>		<i>Little Shoal Creek:</i>		<b>Maps available for inspection at the Town Hall, Friendly, West Virginia.</b>	
Approximately 200 feet downstream of Lowries Run Road.....	*844	At mouth.....	*807		
Approximately .3 mile downstream of second upstream crossing of Mount Nebo Road.....	*910	Just downstream of Tripp Road.....	*864	<b>Middlebourne (town), Tyler County (FEMA Docket No. 6923)</b>	
Approximately 0.5 mile upstream of second upstream crossing of Mount Nebo Road.....	*950	<i>Crowson Creek:</i>		<i>Middle Island Creek:</i>	
<b>Maps available for inspection at the Ohio Township Municipal Building, 1719 Roosevelt Road, Pittsburgh, Pennsylvania.</b>		At mouth.....	*804	Approximately .9 mile downstream of Hadok Street (extended).....	*685
		About 1.5 miles upstream of Old Waynesboro Road.....	*820	Approximately .6 mile upstream of Hadok Street (extended).....	*688
<b>Potter (township), Beaver County (FEMA Docket No. 6923)</b>		<i>Tripp Town Branch:</i> Within community.....	*846	<b>Maps available for inspection at the Town Hall, Main Street, Middlebourne, West Virginia.</b>	
<i>Ohio River:</i>		<b>Maps available for inspection at the Building Official's Office, City Hall, Lawrenceburg, Tennessee.</b>			
At downstream corporate limits.....	*698			<b>Sistersville (city), Tyler County (FEMA Docket No. 6923)</b>	
At upstream corporate limits.....	*702	<b>Lawrence County (unincorporated areas) (FEMA Docket No. 6926)</b>		<i>Ohio River:</i>	
<b>Maps available for inspection at the Potter Township Municipal Building, Monaca, Pennsylvania.</b>		<i>Shoal Creek:</i>		Approximately 0.4 mile downstream of the confluence of Tanyard Run.....	*632
		At Old Shoal Creek Dam.....	*790	Approximately 0.7 mile upstream of the confluence of Tanyard Run.....	*633
<b>Shippensburg (township), Cumberland County (FEMA Docket No. 6920)</b>		Just upstream of Old Shoal Creek Dam.....	*795	<b>Maps available for inspection at the City Building, 200 Diamond Street, Sistersville, West Virginia.</b>	
<i>Middle Spring Creek:</i>		At confluence of Beeler Fork Shoal Creek.....	*846		
Approximately 2,200 feet downstream of Bard Road (T-306).....	*608	<i>Beeler Fork Shoal Creek:</i>		<b>Tyler County, unincorporated areas (FEMA Docket No. 6923)</b>	
At Hot Point Avenue (T-303).....	*628	At confluence of Shoal Creek.....	*846	<i>Ohio River:</i>	
Approximately 625 feet downstream of State Route 696.....	*661	About 1.3 miles upstream of Quail Drive.....	*866	Approximately 1.5 miles downstream of the confluence of Huffman Run.....	*629
<i>Burd Run:</i>		<i>Little Shoal Creek:</i>		Approximately 1.9 miles upstream of the confluence of Owl Run.....	*634
Approximately 1,625 feet downstream of CON-RAIL.....	*621	At mouth.....	*807	<i>Middle Island Creek:</i>	
Upstream side of U.S. Highway 11.....	*651	Just downstream of Mount Ararat Road.....	*866	Approximately 3.4 miles downstream of County Route 26.....	*679
Approximately 400 feet upstream of State Route 174.....	*667	<i>Crowson Creek:</i>		Approximately 2.2 miles upstream of County Route 26.....	*892
<i>Gum Run:</i>		About 400 feet upstream of Old Waynesboro Road.....	*806	<b>Maps available for inspection at the County Courthouse, Middlebourne, West Virginia.</b>	
At CONRAIL.....	*670	About 1.5 miles upstream of Old Waynesboro Road.....	*820		
At LR 28018.....	*676	<i>Tripp Town Branch:</i>		<b>WISCONSIN</b>	
<b>Maps available for inspection at the Shippensburg Township Building, Route 174, Shippensburg, Pennsylvania.</b>		At mouth.....	*846	<b>Montreal (city), Iron County (FEMA Docket No. 6923)</b>	
		About 1.35 miles upstream of mouth.....	*880	<i>West Fork Montreal River:</i>	
<b>Tobyhanna (township), Monroe County (FEMA Docket No. 6920)</b>		<i>Big Dry Branch:</i>		About 0.98 mile downstream from Soo Line Railway.....	*1,434
<i>Tobyhanna Creek:</i>		At confluence of Tripp Town Branch.....	*860	About 850 feet upstream from State Highway 77.....	*1,459
At State Route 940.....	*1,527	Just downstream of Weakley Creek Road.....	*916	About 1,100 feet upstream from State Highway 77.....	*1,471
Approximately .9 mile upstream of State Route 940.....	*1,555	<b>Maps available for inspection at the Building Official's Office, County Courthouse, Lawrenceburg, Tennessee.</b>		Just downstream of Gile Dam.....	*1,478
Upstream side of State Route 115.....	*1,567			<i>Gile Flowage:</i> Entire shoreline.....	*1,491
Approximately 2.3 miles upstream of State Route 940.....	*1,580	<b>VIRGINIA</b>		<b>Maps available for inspection at the City Hall, 53 Wisconsin Avenue, Montreal, Wisconsin.</b>	
Approximately .7 mile downstream of the confluence with Deep Run.....	*1,593	<b>Essex County (unincorporated areas) (FEMA Docket No. 6926)</b>			
Downstream side of confluence of Deep Run.....	*1,603	<i>Rappahannock River:</i> Entire shoreline.....	*7		
Upstream side of dam.....	*1,640	<b>Maps available for inspection at the Department of Building and Zoning, Prince Street, Tappahannock, Virginia.</b>			
<i>Upper Tunkhannock Creek:</i>					
Approximately .2 mile downstream of T-641.....	*1,673	<b>York County (unincorporated areas) (FEMA Docket No. 6926)</b>			
Approximately 100 feet upstream of T-625 at Dam.....	*1,695	<i>Chesapeake Bay:</i>			
At State Route 423.....	*1,731	At the intersection of State Routes 622 and 212.....	*8		
Upstream side of Miller Drive.....	*1,760	Shoreline at York Point Drive extended.....	*12		
		<i>Poquoson River:</i>			
		Shoreline at Tide Mill Road extended.....	*8		
		Shoreline at River Point Drive extended.....	*12		
		<i>Back Creek:</i>			
		At intersection of Back Creek Road and Clayton Creek Road.....	*8		
		Shoreline at Back Creek Road extended.....	*12		
		<i>Chisman Creek:</i>			

The base (100-year) flood elevations are finalized in the communities listed



below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>FLORIDA</b>		<b>Texas</b>	
<b>St. Augustine (city), St. Johns County (FEMA Docket No. 6920)</b>		<b>Fort Worth (city), Tarrant and Denton Counties (FEMA Docket No. 6906)</b>	
<i>Atlantic Ocean:</i>		<i>Benbrook Lake:</i> Entire shoreline within community	*715
At intersection of Ponce De Leon Boulevard and San Carlos Avenue	*9	<i>Eagle Mountain Lake:</i> Entire shoreline within community	*657
About 1,200 feet east of intersection of San Marco Avenue and Old Mission Avenue	*11	<i>Lake Worth:</i> Entire shoreline within community	*600
<b>Maps available for inspection at the Planning Department, City Hall, 75 King Street, Room 136, St. Augustine, Florida.</b>		<i>Marine Creek Lake:</i> Entire shoreline within community	*698
<b>ILLINOIS</b>		<i>Cement Creek Reservoir:</i>	
<b>Arthur (village), Moultrie and Douglas Counties (FEMA Docket No. 6923)</b>		Downstream of Interstate 820 (Jim Wright Freeway)	*685
<i>West Fork Kaskaskia River:</i>		Upstream of Interstate 820 (Jim Wright Freeway)	*691
Just downstream of Industrial Parkway	*653	<i>Lake Arlington:</i> Entire shoreline within community	*564
About 300 feet upstream of county road	*655	<i>Big Fossil Creek:</i>	
<i>Kaskaskia River Tributary:</i>		At confluence with West Fork Tributary River	*503
About 2,000 feet downstream of Vine Street	*654	Approximately 400 feet upstream of Midway Road	*505
About 650 feet upstream of Conrail	*663	At confluence of Stream BFC-1	*581
<b>Maps available for inspection at the Tourist Information Center, 106 East Progress, Arthur, Illinois.</b>		Approximately 150 feet upstream of Watauga-Saginaw Road	*604
<b>KANSAS</b>		Approximately 0.77 mile downstream of confluence of Stream BFC-3	*621
<b>Great Bend (city), Barton County (FEMA Docket No. 6920)</b>		Approximately 1.15 miles upstream of confluence of Stream BFC-3	*660
<i>Dry Walnut Creek:</i>		Approximately 200 feet upstream of Walnut Lake Dam	*697
About 1,300 feet west of the intersection of Park Avenue and Kiowa Road	*1,842	Approximately 0.4 mile upstream of Channel Dam	*711
About 2,400 feet west of the intersection of Aspen Drive and Cherry Lane	*1,865	Approximately 1.14 miles upstream of Channel Dam	*730
<b>Maps available for inspection at the City Hall, Great Bend, Kansas.</b>		<i>Stream BFC-1:</i>	
<b>MASSACHUSETTS</b>		At confluence with Big Fossil Creek	*578
<b>Walpole (town), Norfolk County (FEMA Docket No. 6906)</b>		Upstream side of Watauga Road	*599
<i>Neponset River:</i>		Approximately 500 feet upstream of second corporate limits crossing	*600
Upstream side of Plimpton Street	*123	At upstream side of Basswood Boulevard	*617
Upstream side of Main Street (downstream crossing)	*127	Approximately 0.42 mile upstream of Basswood Boulevard	*626
Upstream side of West Street and dam	*144	<i>Stream BFC-2:</i>	
Upstream side of Lewis Avenue	*148	At confluence with Big Fossil Creek	*586
Upstream side of powerline Access Road	*185	Approximately 200 feet upstream of Watauga-Saginaw Road	*597
Downstream side of dam of Washington Street	*227	Approximately 800 feet downstream of Old Denton Road	*610
Upstream corporate limits	*235	Approximately 100 feet downstream of Old Denton Road	*614
<i>Stop River:</i> Upstream side of Winter Street	*151	Approximately 0.53 mile upstream of Interstate Route 35	*660
<i>Cobb's Brook:</i>		Approximately 700 feet upstream of U.S. Route 287	*677
Confluence with Neponset River	*124	<i>Stream BFC-2A:</i>	
Upstream side of Gould Street	*147	At confluence with Stream BFC-2	*633
Downstream side of North Street	*151	Approximately 300 feet upstream of upstream corporate limits	*658
Approximately 75 feet upstream of North Street	*153	<i>Stream BFC-3:</i>	
<i>Diamond Brook:</i>		At confluence with Big Fossil Creek	*636
Confluence with Neponset River	*135	Approximately 1.0 mile upstream of confluence with Big Fossil Creek	*660
Upstream side of Memorial Pond Dam	*141	Approximately 620 feet upstream of Harmon Road	*692
Upstream side of Diamond Street	*154	<i>Stream BFC-4:</i>	
Upstream side of CONRAIL bridge	*159	At confluence with Big Fossil Creek	*667
Upstream side of Stone Street	*177	Approximately 260 feet upstream of Hicks Road	*733
Downstream side of Washington Street	*181	Approximately 400 feet upstream of Interstate Route 287	*736
Approximately 40 feet upstream of Washington Street	*182	<i>Stream BFC-4A:</i>	
<i>Mine Brook:</i>		At confluence with Stream BFC-4	*685
Confluence with Neponset River	*136	Upstream side of most upstream crossing of FM 156	*703
Shallow flooding approximately 800 feet north along CONRAIL from downstream CONRAIL crossing	#3	Approximately 400 feet downstream of Interstate 287	*717
<i>Traphole Brook:</i>			
Upstream side of U.S. Route 1	*139		
Shallow flooding south side of Union Street at corporate limits	#2		
<i>Pickeral Brook:</i>			
Confluence with Traphole Brook	*101		
		Approximately 350 feet upstream of Interstate 287	*726
		<i>Little Fossil Creek:</i>	
		At confluence with Big Fossil Creek	*503
		At upstream side of Beach Street	*560
		Upstream side of Sylvania Avenue	*592
		Upstream side of North Frontage Road Interstate 820	*629
		Approximately 1,850 feet upstream of Cantrell-Sansom Road	*652
		<i>Stream LFC-1:</i>	
		At confluence with Little Fossil Creek	*578
		At downstream side of Riverside Drive	*596
		Approximately 0.4 mile upstream of Middleton Boulevard	*621
		<i>Stream LFC-2:</i>	
		At confluence with Little Fossil Creek	*589
		Approximately 0.5 mile upstream of Leamside Drive	*611
		Approximately 75 feet downstream of Jim Wright Freeway	*620
		<i>Whites Branch:</i>	
		At most downstream corporate limits	*583
		Approximately 1.2 miles upstream of Alta Vista Road	*667
		<i>Stream WB-1:</i>	
		At confluence with Whites Branch	*649
		Approximately 50 feet upstream of upstream corporate limits	*666
		<i>Clear Fork Trinity River:</i>	
		At confluence with West Fork Trinity River	*537
		At downstream side of Old Vickery Street	*550
		Approximately 200 feet upstream of Bryant-Irvin Road	*590
		At confluence of Stream CF-6	*617
		Approximately 1.3 miles upstream of the confluence of Stream CF-6	*621
		<i>Stream CF-2:</i>	
		At confluence with Clear Fork Trinity River	*570
		At upstream side of second crossing of Southern Pacific Railroad	*580
		Approximately 0.8 mile upstream of Vickery Boulevard	*613
		<i>Stream CF-3:</i>	
		Approximately 100 feet downstream of South Boulevard	*577
		At upstream side of Overton Park Drive East	*622
		Approximately 300 feet upstream of Trail Lake Drive	*667
		<i>Stream CF-3A:</i>	
		At confluence with Stream CF-3	*607
		Approximately 0.2 mile upstream of Overton Park West	*619
		Approximately 0.5 mile upstream of Overton Park West	*640
		<i>Stream CF-3B:</i>	
		At confluence with Stream CF-3	*617
		Approximately 80 feet upstream of Blgrade Road	*668
		<i>Stream CF-5:</i>	
		At confluence with Clear Fork Trinity River	*594
		At upstream side of Bryant-Irvin Road	*607
		At upstream side of second crossing of Interstate Route 20	*643
		Approximately 1.8 miles upstream of second crossing of Interstate Route 20	*705
		<i>Stream CF-6:</i>	
		At confluence with Clear Fork Trinity River	*618
		Approximately 1.8 miles above confluence with Clear Fork Trinity River	*683
		<i>Howards Branch:</i>	
		At confluence with Clear Fork Trinity River	*562
		At upstream side of Mockingbird Lane	*567
		Approximately 0.4 mile above Lyncrest Court	*569
		<i>Stream HB-1:</i>	
		At confluence with Howards Branch	*564
		At upstream side of Colonial Parkway	*577
		Approximately 100 feet upstream of North Belaire Drive	*606
		<i>Marine Creek:</i>	
		At confluence with West Fork Trinity River	*529
		At confluence of Cement Creek	*579
		At downstream face of Marine Creek Lake Dam	*642
		At upstream corporate limits	*698
		<i>Marine Creek Split Flow:</i>	
		At confluence with Marine Creek	*533
		At origin of Split Flow into Commerce Street	*545
		<i>Stream MC-1:</i>	



Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At confluence with Marine Creek.....	*530	Approximately 7.5 miles upstream of State Route 360.....	*476	Approximately 0.31 mile upstream of Little Fox Lane.....	*789
Upstream side of Northeast 29th Street.....	*585	At Precinct Line Road.....	*483	<i>Hurricane Creek:</i>	
Approximately 1,800 feet upstream of Northeast 33rd Street.....	*625	Approximately 500 feet upstream of Handley Edenville Road.....	*500	At downstream corporate limits.....	*479
<i>Stream MC-2:</i>		Upstream side of East 1st Street.....	*511	Approximately 100 feet upstream of South Pipe- line Road.....	*501
At confluence with Marine Creek Lake.....	*698	Approximately 800 feet downstream of St. Louis Southwestern Railroad.....	*539	<i>Kings Branch:</i>	
Approximately 1.1 miles upstream of confluence with Marine Creek Lake.....	*705	Approximately 300 feet upstream of Meandering Road.....	*561	At downstream corporate limits.....	*595
<i>Cement Creek:</i>		Approximately .8 mile upstream of State Route 199.....	*600	At upstream side of Green Oaks Road.....	*622
At confluence with Marine Creek.....	*579	At downstream face of Eagle Mountain Dam.....	*657	Approximately 0.45 mile upstream of Ridgeman Meadow Road.....	*651
Downstream side of Cement Creek Reservoir Dam.....	*645	<i>Stream WF-1:</i>		<i>Live Oak Creek:</i>	
At upstream corporate limits.....	*691	At confluence with West Fork Trinity River.....	*488	At confluence with Lake Worth.....	*600
<i>Marys Creek:</i>		At upstream side of most downstream crossing of Randol Mill Road.....	*508	At downstream side of Silver Creek Road.....	*607
At confluence with Clear Fork Trinity River.....	*607	At confluence of Stream WF-1A.....	*538	Approximately 1.9 miles upstream of Silver Creek Road.....	*655
Upstream side of Old Benhook Road.....	*634	<i>Stream WF-1A:</i>		<i>Lorean Branch:</i>	
At confluence of Stream MSC-2.....	*679	At confluence with Stream WF-1.....	*538	At confluence with Walker Branch.....	*485
At confluence of South Marys Creek.....	*710	Approximately 1,400 feet upstream of confluence with WF-1.....	*543	Approximately 0.41 mile upstream of Trinity Boulevard.....	*503
Approximately 300 feet upstream of upstream corporate limits.....	*739	<i>Stream WF-1B:</i>		<i>Silver Creek:</i>	
<i>Stream MSC-1:</i>		At confluence with Stream WF-1.....	*538	At confluence with Lake Worth.....	*600
Upstream side of Interstate Highway 820.....	*682	Approximately 0.76 mile upstream of confluence with Stream WF-1.....	*570	Approximately 90 feet upstream of Silver Creek Road.....	*613
Approximately 100 feet upstream of Alameda Street.....	*721	<i>Stream WF-2:</i>		<i>Sulphur Branch:</i>	
<i>Stream MSC-2:</i>		At confluence with West Fork Trinity River.....	*504	At confluence with Walker Branch.....	*478
At confluence with Marys Creek.....	*679	At downstream side of Interstate Route 30.....	*521	At upstream corporate limits.....	*482
Approximately 1,100 feet upstream of Chapin School Road.....	*723	Approximately 1.4 miles upstream of Interstate 30.....	*581	<i>Valley View Branch:</i>	
<i>Stream MSC-3:</i>		<i>Stream WF-3:</i>		At confluence with Walker Branch.....	*483
At confluence with Marys Creek.....	*725	At confluence with West Fork Trinity River.....	*506	At upstream side of Trinity Boulevard.....	*490
At upstream corporate limits.....	*738	Approximately 120 feet downstream of Randol Mill Road.....	*518	At upstream side of Precinct Line Road.....	*502
<i>South Marys Creek:</i>		At upstream side of White Lake Dam.....	*557	<i>Walker Branch:</i>	
Approximately 100 feet downstream of down- stream corporate limits.....	*739	At upstream side of Interstate Route 30.....	*578	At downstream corporate limits.....	*478
At upstream corporate limits.....	*773	Approximately 1,000 feet upstream of Fossil Lake Dam.....	*601	At upstream side of downstream crossing of Trinity Boulevard.....	*479
<i>Walnut Creek:</i>		<i>Stream WF-4:</i>		At upstream side of Norwood Drive.....	*487
At confluence with Marys Creek.....	*634	At confluence with West Fork Trinity River.....	*527	At upstream side of Precinct Line Road.....	*505
Upstream side of Aledo Road.....	*685	At upstream side of Dewey Street.....	*565	At upstream corporate limits.....	*512
Approximately 2.7 miles upstream of Aledo Road.....	*759	At upstream side of Long Avenue.....	*610	<i>Village Creek:</i>	
<i>Sycamore Creek:</i>		At upstream side of Dendler Road.....	*657	At confluence with West Fork Trinity River.....	*479
At confluence with West Fork Trinity River.....	*514	<i>Stream WF-5:</i>		Approximately 500 feet upstream of Interstate Route 30.....	*484
At confluence of Stream SC-3.....	*561	At confluence with West Fork Trinity River.....	*543	Approximately 1,400 feet upstream of confluence of Rush Creek.....	*492
Upstream side of Texas and Pacific Railroad.....	*620	At upstream side of Ohio Garden Road.....	*546	At confluence of South Creek.....	*578
At confluence of Edgecliff Branch.....	*652	Approximately 330 feet upstream of upstream corporate limits.....	*594	Approximately 1.0 mile downstream of most upstream corporate limits.....	*658
Upstream side of Missouri Pacific Railroad.....	*716	<i>Stream WF-7:</i>		At approximately 0.2 mile upstream of the most upstream corporate limits.....	*670
At most upstream corporate limits.....	*773	At confluence with West Fork Trinity River.....	*602	<i>Stream VC-1:</i>	
<i>Stream SC-1:</i>		At upstream side of Shoreline Road.....	*603	At confluence with Lake Arlington.....	*564
At confluence with Sycamore Creek.....	*527	Approximately 1,900 feet upstream of Shoreline Road.....	*612	Approximately 2,000 feet downstream of Carey Road.....	*582
Upstream side of Conner Road.....	*547	Approximately 1,340 feet downstream of Nine Mile Azle Road.....	*624	Approximately 70 feet upstream of Freshfield Road.....	*606
Approximately 950 feet upstream of Collard Street.....	*603	Approximately 500 feet upstream of Nine Mile Azle Road.....	*634	<i>Stream VC-2:</i>	
<i>Stream SC-2:</i>		<i>Stream WF-7A:</i>		At confluence with Lake Arlington.....	*564
At confluence with Sycamore Creek.....	*528	At confluence with Stream WF-7.....	*603	Approximately 120 feet upstream of Mansfield Highway.....	*643
Approximately 1,000 feet downstream of Vick- ery Boulevard.....	*544	At upstream corporate limits.....	*629	<i>Stream VC-5:</i>	
Approximately 100 feet upstream of Texas and Pacific Railroad.....	*579	<i>Stream WF-9:</i>		At downstream corporate limits.....	*655
<i>Stream SC-3:</i>		At confluence with West Fork Trinity River.....	*482	Approximately 1,100 feet upstream of Oak Grove Road.....	*689
At confluence with Sycamore Creek.....	*561	At upstream side of Interstate Route 820.....	*505	<i>Stream VC-6:</i>	
Approximately 300 feet upstream of Glen Gar- dens Drive.....	*602	Approximately 1,600 feet upstream of Interstate 820.....	*514	Approximately 860 feet downstream of Oak Grove East Road.....	*647
<i>Stream SC-5:</i>		<i>Stream WF-10:</i>		Approximately 100 feet upstream of Stone Road.....	*689
At confluence with Sycamore Creek.....	*584	At confluence with West Fork Trinity River.....	*551	<i>Stream VC-7:</i>	
Upstream side of Missouri Pacific Railroad.....	*616	Approximately 470 feet upstream of Burton Hill Road.....	*558	At downstream corporate limits.....	*649
Approximately 1,350 feet upstream of Drew Street.....	*631	At upstream side of Roaring Springs Road.....	*599	Approximately 150 feet upstream of most up- stream dam.....	*680
<i>Stream SC-6:</i>		<i>Boyd Branch:</i>		<i>Chambers Creek:</i>	
At confluence with Sycamore Creek.....	*649	At downstream corporate limits.....	*486	At confluence with Village Creek.....	*580
Upstream side of Edgecliff Road.....	*668	At upstream side of Pipeline Road.....	*515	Upstream side of Anglin Drive.....	*594
Approximately 130 feet upstream of Gravel Road.....	*692	<i>Calloway Branch:</i>		Approximately 920 feet upstream of third up- stream corporate limits crossing.....	*611
<i>Stream SC-7:</i>		At confluence with Walker Branch.....	*507	Downstream side of Rendon Drive.....	*626
At confluence with Sycamore Creek.....	*699	Approximately 130 feet upstream of abandoned railroad.....	*512	<i>Cottonwood Creek:</i>	
Approximately 1,000 feet upstream of Cun- ningham Avenue (South Worth Road).....	*752	<i>Dry Branch:</i>		At confluence with Village Creek.....	*479
Approximately 0.9 mile upstream of the most upstream corporate limits.....	*787	At confluence with West Fork Trinity River.....	*509	Upstream side of Bentley Village Parkway.....	*492
<i>Edgecliff Branch:</i>		At upstream side of State Route 121.....	*549	Upstream side of Brentwood Stair Road.....	*518
At confluence with Sycamore Creek.....	*652	At upstream side of Aster Avenue.....	*575	Upstream side of Sandy Lane.....	*569
Upstream side of Alta Mesa Boulevard.....	*730	Approximately 0.31 mile upstream of Hollis Street.....	*593	Approximately 870 feet upstream of Milam Street.....	*600
Approximately 0.4 mile upstream of Woodway Drive.....	*779	<i>Farmers Branch:</i>		<i>Deer Creek:</i>	
<i>West Fork Trinity River:</i>		At downstream corporate limits.....	*719	Approximately 1,740 feet downstream of Forest Hill-Everman Road.....	*637
At most downstream corporate limits.....	*454	At upstream side of Academy Boulevard.....	*751		
Approximately 1,350 feet upstream of State Route 360.....	*462				



Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 0.5 mile upstream of Missouri, Kansas and Texas Railroad.....	*690
<i>Elm Branch:</i>	
Approximately 100 feet downstream of Rendon- New Hope Road.....	*668
Approximately 1,500 feet upstream of Rendon- New Hope Road.....	*671
<i>North Fork Chambers Creek:</i>	
At downstream corporate limits.....	*655
Approximately 70 feet upstream of Oak Grove Road.....	*683
<i>South Creek:</i>	
At confluence with Village Creek.....	*578
Approximately 0.7 mile upstream of confluence with Village Creek.....	*587
<i>South Fork Chambers Creek:</i>	
Approximately 650 feet downstream of Christo- pher Street.....	*661
Approximately 1,170 feet upstream of Oak Grove Road.....	*685
<i>Wildcat Branch:</i>	
At confluence with Lake Arlington.....	*564
Upstream side of Dillard Street.....	*598
Approximately 0.5 mile upstream of Village Creek Road.....	*620
<i>Stream WC-1:</i>	
At confluence with Wildcat Branch.....	*564
Approximately 650 feet upstream of Ramey Avenue.....	*603
<i>Bear Creek 1:</i>	
Approximately 1.2 miles downstream of Golden Triangle Boulevard.....	*697
Approximately 710 feet downstream of Alta Vista Road.....	*722
Approximately 250 feet upstream of Old Denton Road.....	*770
Approximately 300 feet upstream of Golden Triangle Spur.....	*772
Maps available for inspection at the City Hall, Development Activities Division, 1000 Throck- morton, Fort Worth, Texas.	
Liberty (city), Liberty County (FEMA Docket No. 6906)	
<i>Trinity River:</i>	
At downstream corporate limits.....	*25
Downstream side of U.S. Route 90.....	*28
Approximately 4.0 miles upstream of upstream corporate limits.....	*33
Maps available for inspection at the City Hall, 1829 Sam Houston Street, Liberty, Texas 77575.	

Harold T. Duryee,  
Administrator, Federal Insurance  
Administration.

Issued: July 20, 1988.

[FR Doc. 88-16882 Filed 7-26-88; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 67

[Docket No. FEMA-6914]

#### Final Flood Elevation Determination; City of Nezperce, ID; Rescission

AGENCY: Federal Emergency  
Management Agency.

ACTION: Final rule; rescission.

**SUMMARY:** The Federal Emergency Management Agency has published a Flood Insurance Study (FIS) and a Flood Insurance Rate Map (FIRM) for the City of Nezperce, Idaho, which included base flood elevations for Long Hollow Creek.

Because the processing of the FIS and FIRM was not delayed until questions raised by the City were resolved, the Federal Emergency Management Agency has determined that the FIS and FIRM for the City should be rescinded. This notice will serve to rescind the FIS and FIRM.

**EFFECTIVE DATE:** July 27, 1988.

**FOR FURTHER INFORMATION CONTACT:** John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2754.

**SUPPLEMENTARY INFORMATION:** Because the processing of the FIS and FIRM was not delayed until questions raised by the City were resolved, the Federal Emergency Management Agency has determined that the FIS and FIRM for the City of Nezperce, Idaho, effective April 15, 1988 (February 1, 1988; 53 FR 2743), should be rescinded. On July 22, 1988, the FIS and FIRM will be reissued in preliminary form, and a new notice of the proposed flood elevations will be issued, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

#### List of Subjects in 44 CFR Part 57

Flood insurance, Floodplains.

Issued: July 18, 1988.

Harold T. Duryee,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 88-16883 Filed 7-26-88; 8:45 am]

BILLING CODE 6718-03-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Office of Human Development Services

#### 45 CFR Part 1336

#### Native American Programs; Assistance to Native Hawaiians and Native American Pacific Islanders

AGENCY: Administration for Native  
Americans, Office of Human  
Development Services, Department of  
Health and Human Services.

ACTION: Interim final rule; correction.

**SUMMARY:** The Administration for Native Americans is adding an effective date to the interim final rule implementing a revolving loan fund demonstration project which appeared in the Federal Register on June 24, 1988

(53 FR 23964). The effective date for the interim final rule was inadvertently omitted. As required by statute, the effective date is 30 days after the date the rule is published.

**EFFECTIVE DATE:** July 25, 1988.

**FOR FURTHER INFORMATION CONTACT:** Jan Phalen, ANA, (202) 245-7714,  
Administration for Native Americans.

**SUPPLEMENTARY INFORMATION:** On June 24, 1988, the Department published an interim final rule with a 60 day comment period. The rule implemented requirements in the Native American Programs Act of 1987 (the Act). The major provision of the rule was to establish the procedures and criteria by which the Administration for Native Americans (ANA) will make a five-year demonstration grant to one agency of the State of Hawaii or to one Native Hawaiian organization to manage a Revolving Loan Fund to promote economic development for Native Hawaiians. The effective date was inadvertently omitted in this publication.

Section 814(c)(2) of the Act states that no rule that applies exclusively to any program, project, or activity under this title may take effect until 30 days after the publication. Therefore, the effective date is July 25, 1988.

Commenters will have until August 23, 1988, to submit comments. All comments received will be considered and the rule will be revised if necessary.

(Catalog of Federal Domestic Assistance  
Number 13.612)

Approved July 20, 1988.

James V. Oberthaler,  
Deputy Assistant Secretary for Information  
and Resource Management.

[FR Doc. 88-16902 Filed 7-26-88; 8:45 am]

BILLING CODE 4130-01-M

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Parts 1 and 80

[General Docket No. 79-144; FCC 88-206]

#### Amendment of the Commission's Rules Concerning Radiofrequency Radiation From Ship Earth Stations

AGENCY: Federal Communications  
Commission (FCC).

ACTION: Final rule.

**SUMMARY:** This item amends Parts 1 and 80 of the Commission's Rules and Regulations to minimize the potential for environmental impact from ship earth stations with regard to human exposure to radiofrequency (RF) radiation. This



item establishes a requirement that applications for ship earth stations will be subject to the specifications for RF radiation compliance identified in § 1.1307(b) of the Commission's Rules. In addition manufacturers of ship earth stations will be required to provide installation and operating instructions to assist users in complying with the guidelines. These amendments have been adopted as part of the Commission's fulfillment of its responsibilities under the National Environmental Policy Act of 1969 to minimize environmental impact from FCC-regulated facilities.

**EFFECTIVE DATE:** November 17, 1988.

**ADDRESS:** Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Dr. Robert Cleveland, Office of Engineering and Technology, FCC (202) 653-8169.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Third Report and Order*, General Docket 79-144, FCC 88-206 Adopted June 20, 1988, and Released July 11, 1988.

The Full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

#### Summary of Third Report and Order

1. Under the terms of the National Environmental Policy Act (NEPA), federal agencies are required to ensure appropriate environmental evaluation of actions taken by them that may significantly affect the human environment. In order to fulfill its responsibilities under NEPA, the Commission has previously adopted rules (47 CFR 1.1301 *et seq.*) to provide for environmental processing of applications for facilities that might have environmental impact.

2. One of the major categories of potential environmental impact from FCC-regulated services is possible human exposure to radiofrequency (RF) radiation from transmitting sources. Therefore, in 1985, the Commission adopted a *Report and Order* (50 FR 11151, 1985) to provide specifically for routine evaluation for environmental RF radiation from certain FCC-authorized facilities and services. This was followed by a *Second Report and Order* (52 FR 13240, 1987) further defining FCC

policy and providing for categorical exclusion of certain facilities.

3. The present proceeding is a result of the Commission's *Third Notice of Proposed Rule Making* (NPRM, 52 FR 18409, 1987) in this docket regarding the potential of ship earth stations to produce significant environmental RF radiation. The Commission had proposed originally to require evaluation of ship earth stations under Part 80 of the FCC's Rules. However, the *Order* adopted today adds ship earth stations to the list of facilities that will be subject to § 1.1307(b) of the Rules. The rule part originally proposed, § 80.83, will serve as a cross-reference to environmental compliance under Part 1. This approach will be more consistent with existing Commission policy and rules regarding this issue.

4. Our *Third Notice* had also proposed applying the rule amendments to ship radar stations. However, we do not believe the present record supports this, and, as adopted, the rule amendments will only apply to ship earth stations. The other rule part originally proposed, § 80.227, is being adopted with only minor edits. It requires manufacturers of ship earth stations to provide installers and users of this equipment with instructions to help prevent human exposure in excess of the RF radiation guidelines.

5. With this item Docket 79-144 is hereby terminated. The Commission has now completed the establishment of its basic policy with respect to the issue of potentially hazardous RF radiation. However, in view of the likelihood of further developments affecting this topic, both in the area of basic research and with respect to the possible issuance of new health and safety standards, this issue may be the subject of other Commission proceedings in the future.

6. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

7. This item has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose a new or modified information collection requirement on the public. The Office of Management and Budget has approved the collection of information requirement contained in this rule. The OMB control number for this collection of information requirement is 3060-0388.

#### Ordering Clauses

Accordingly, it is ordered that, effective November 17, 1988, Parts 1 and

80 of the Commission's Rules and Regulations, Chapter I of Title 47 of the Code of Federal Regulations, is amended as set forth below and that this amendment will be applicable to applications filed on or after this effective date.

This action is taken pursuant to the provisions of sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j) and 303(r), and section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

#### List of Subjects

##### 47 CFR Part 1

Practice and procedure, National Environmental Policy Act, Radiofrequency radiation.

##### 47 CFR Part 80

Maritime services, Ship earth stations, Radiofrequency radiation.

#### Rule Changes

Part 1, Chapter I, of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 1—PRACTICE AND PROCEDURE

1. The authority citation for Part 1 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended, 47 U.S.C. 154, 303; Implement. 5 U.S.C. 552.

2. In § 1.1307, the note in paragraph (b) is revised as follows:

§ 1.1307 Actions which may have a significant environmental effect, for which environmental assessments (EAs) must be prepared.

\* \* \* \* \*

(b) \* \* \*  
Note.—Paragraph (b) of this section shall apply to facilities and operations licensed or authorized under Parts 5, 25, 73, 74 (Subparts A, C, and L only), and 80 (ship earth stations only). Facilities and operations licensed or authorized under all other Parts, Subparts, or Sections of the Commission's Rules shall be categorically excluded from consideration under paragraph (b) of this section, unless such exclusion is superseded by actions taken by the Commission under the provisions of paragraphs (c) or (d) of this section.

\* \* \* \* \*

Part 80, Chapter I, of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 continues to read:



Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.83 is added as follows:

#### Station Requirements—Ship Stations

##### § 80.83 Protection from potentially hazardous RF radiation.

Any license or renewal application for a ship earth station that will cause exposure to radiofrequency (RF) radiation in excess of the RF exposure guidelines specified in § 1.1307(b) of the Commission's Rules must comply with the environmental processing rules set forth in §§ 1.1301-1.1319 of this chapter.

3. Section 80.227 is added to Subpart E as follows:

##### § 80.227 Special requirements for protection from RF radiation.

As part of the information provided with transmitters for ship earth stations, manufacturers of each such unit must include installation and operating instructions to help prevent human exposure to radiofrequency (RF) radiation in excess of the RF exposure guidelines specified in 1.1307(b) of the Commission's Rules.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-16717 Filed 7-26-88; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 15

[Gen Docket 87-107; FCC 88-208]

#### Cable Input Selector Switches

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission revises its implementation plan for the marketing of input selector switches but retains the isolation standards for such switches that were adopted recently in Gen Docket 87-107. This action is taken in response to petitions for reconsideration filed by the Consumer Electronics Group of the Electronics Industries Association and the Electronics Industries Association of Japan. This will provide manufacturers and suppliers of input selector switches more time to bring its equipment into compliance with the new technical standards.

**EFFECTIVE DATE:** August 17, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Liliane Volcy, Office of Engineering & Technology, tel: (202) 653-7316 or 653-6288; or Scott Roberts, Mass Media Bureau, (202) 632-6302.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Memorandum, Opinion and Order, Gen Docket 87-107, FCC 88-208, adopted June 21, 1988, released July 11, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., Washington, DC 20037.

#### Summary of Memorandum Opinion and Order

1. By this Memorandum Opinion and Order, the Commission revises its implementation plan for the marketing of cable input selector switches. This action is taken in response to petitions for reconsideration of the *Report and Order* in Gen Docket No. 87-107 (*Report and Order*), FCC 87-357, adopted November 19, 1987, filed by the Consumer Electronics Group of Electronic Industries Association (EIA/CEG) and the Electronic Industries Association of Japan (EIAJ). The Commission also is denying a request by the EIAJ to reduce the switch isolation standard specified in the new rules. On January 27, 1988, the Commission stayed the effective date of the input selector switch standards pending resolution of these petitions for reconsideration. The Commission is further denying motions for stay, filed by Gill Industries, Inc., § 76.611—the Cumulative Leakage Index (CLI) requirements—and of § 76.66—the input selector switch offer and consumer education requirements—for cable systems.

2. Petitioners contend that the marketing implementation plan for the input selector switches imposes substantial, unnecessary, and unintended burdens on manufacturers of TV receivers and switching accessories. They argue that the date for beginning the implementation process comes too soon to allow manufacturers to redesign their product lines and to bring them into compliance with the new isolation standards. Petitioners request that the current marketing based plan under which non-complying equipment cannot be sold to final users, i.e. consumers, after a certain date to be replaced with a more transitional approach whereby newly manufactured equipment must

comply with the rules in accordance with a schedule of fixed dates.

3. The Commission recognizes the difficulties the existing implementation plan may pose for equipment manufacturers. It also finds that modification of this plan to establish fixed dates for application of the switch standards to newly manufactured equipment will not result in increased interference. Therefore, in order to provide manufacturers and suppliers of input selector switches more time to bring its equipment into compliance with the new technical standards, the Commission has revised its implementation plan. The revised implementation plan provides that the new isolation standards will apply to the following:

—Stand-alone mechanical switches manufactured or imported on or after August 19, 1988;

—Stand-alone electronic switches manufactured or imported on or after October 28, 1988; or

—Switches built into a television receiver and manufactured or imported on or after April 28, 1989.

Cable input selector switches manufactured or imported prior to the dates listed above shall comply with the provisions of § 15.3 and Part 76 only.

4. EIAJ also requested that the Commission reconsider the isolation standard to set the level of required isolation over the frequency range from 54 to 216 MHz at 70 dB instead of the 80 dB standard that was adopted in the *Report and Order* in order the account for switch deterioration over time. The Commission indicated that it addressed the issue of equipment deterioration in this proceeding and considered it in the *Report and Order* in arriving at the 80 dB level of isolation. The Commission stated that in the 54 to 216 MHz frequency range the 80 dB standard provides an adequate margin of protection against the normal variability of isolation and deterioration that occurs in switches. It, therefore, denied that portion of EIAJ's petition regarding a reduction of the isolation standard of input selector switches.

5. In dealing with Gill's motion for stay of the input selector switch offer and consumer education requirements (§ 76.66), the Commission stated that it intends to address this matter in a separate subsequent order and that Gill's concern that the provisions of § 76.66 would apply while the stay of the technical standards remained in effect is therefore premature and unfounded. Accordingly, Gill's motion for stay regarding § 76.66 is dismissed.



6. With regard to Gill's second petition, the Commission found no reason why cable systems can not comply with the CLI requirement contained in § 76.611 beginning July 1, 1990. By this instant Memorandum Opinion and Order, the Commission is revoking its stay of the technical requirements for input selector switches. The Commission indicated that this action would provide sufficient time to enable compliance by cable entities. Accordingly, Gill's motion for stay for compliance with the CLI requirements is dismissed.

7. Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and § 1.106 of the Commission's Rules, it is ordered that the petitions for reconsideration of the *Report and Order* filed by parties named herein are granted to the extent indicated above, and are denied in all other respects. It is further ordered that the motions for stay filed by Gill Industries, Inc. are dismissed. In addition, it is ordered that Part 15 be amended, as shown below, effective August 17, 1988.

#### List of Subjects in 47 CFR Part 15

Communications equipment.

Part 15 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 15—[AMENDED]

1. The authority citation for Part 15 is revised to read as follows:

**Authority:** Secs. 4, 302, 303 and 307 of the Communications Act, as amended; 47 U.S.C. 154, 302, 303 and 307.

2. Section 15.4 is amended by adding a new paragraph (w) to read as follows:

#### § 15.4 Definitions.

(w) *Cable input selector switch.* A transfer switch that is intended as a means to alternate between the reception of broadcast signals via connection to an antenna and the reception of cable television service.

3. Part 15 is amended by revising § 15.64 to read as follows:

#### § 15.64 Television receivers equipped with cable input selector switches.

(a) The cable input selector switch shall provide in any of its set positions isolation between the antenna and cable input terminals of at least 80 dB from 54 to 216 MHz, and at least 60 dB from 216 to 550 MHz. The 80 dB limit shall apply at the boundary between the two frequency ranges.

(b) The cable input selector switch shall be verified pursuant to Subpart J of Part 2 of this chapter.

(c) The provisions of this section shall apply to cable input selector switches that are built into a television receiver and manufactured or imported on or after April 28, 1989.

4. Section 15.606 is amended by revising paragraph (d) to read as follows:

#### § 15.606 Transfer switches.

(d) A cable input selector switch shall provide in any of its set positions isolation between the antenna and cable input terminals of at least 80 dB from 54 to 216 MHz, and at least 60 dB from 216 to 550 MHz. The 80 dB limit shall apply at the boundary between the two frequency ranges.

5. Section 15.616 is amended by revising the heading and paragraph (e) to read as follows:

#### § 15.616 Authorization requirements.

(e) A cable input selector switch shall be verified to show compliance with the technical specifications of § 15.606(d) pursuant to Subpart J of Part 2 of this chapter. To determine compliance, measurements shall be made in accordance with the applicable procedures set forth in the *FCC Procedure for Measuring Cable Television Switch Isolation*, MP-9 or equivalent procedures, provided the applicant can adequately demonstrate to the Commission that such procedures are, in fact, equivalent.

**Note:** MP-9 is available from the National Technical Information Service (NTIS) located at 5285 Port Royal Road, Springfield, VA 22161 and from the Commission's current duplicating contractor, whose name is available from the Commission's Consumer Assistance Office.

6. Paragraph (b) in § 15.622 is amended to read as follows:

#### § 15.622 Labelling requirements.

(b) A stand-alone cable input selector switch shall be identified pursuant to the requirements of Subpart J of Part 2 of this chapter. In addition, name plate or label shall be permanently attached to the device, and include the following statement:

This device is verified to comply with FCC Rules Part 15 for use with cable television service.

7. A new § 15.628 is added to read as follows:

#### § 15.628 Compliance schedule for cable input selector switches.

The provisions of this subpart shall apply to cable input selector switches that are:

(a) Stand-alone mechanical and manufactured or imported on or after August 19, 1988;

(b) Stand-alone electronic and manufactured or imported on or after October 28, 1988; or,

(c) Built into a television receiver and manufactured or imported on or after April 28, 1989.

Cable input selector switches manufactured or imported prior to the dates listed above need only to comply with the provisions of § 15.3 and Part 76.

Federal Communications Commission.

H. Walker Feaster, III,

Acting Secretary.

[FR Doc. 88-16713 Filed 7-26-88; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 19

[FCC 88-200]

#### Employee Responsibilities and Conduct; Acceptance of Gifts, Entertainment and Favors

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This action amends the definition of prohibited source contained in § 19.735-202(a) of the Commission's rules to include any individual or organization who is offering anything of monetary value to a Commission employee because of the employee's official government position in conformance with the Office of Government Ethics' Memorandum on *Acceptance of Food and Refreshments by Executive Branch Employees*, issued October 23, 1987. This amendment will eliminate the exception to the prohibition against one-on-one meals for those persons who cannot directly benefit from the Commission's regulatory activities e.g., press or organizations not affiliated with FCC licensees.

**EFFECTIVE DATE:** August 19, 1988.

**ADDRESS:** 1919 M Street NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Sharon B. Kelley, Office of General Counsel, (202) 632-6990.

#### Memorandum Opinion and Order

Adopted: June 14, 1988.

Released: July 5, 1988.



By the Commission.

**In the matter of Employee Responsibilities and Conduct; Acceptance of Gifts, Entertainment and Favors.**

1. On March 12, 1987, the Commission amended Part 19 of its rules governing Employee Responsibilities and Conduct, which generally prohibits Commissioners and employees from accepting gifts or anything of monetary value from a prohibited source, e.g., a Commission regulatee or other interested person. *In the Matter of Amendment of section 19.735-202 of the Commission's Rules*, FCC 86-525, 52 F.R. 7577 (1987). The Order clarified that Commissioners and employees may not accept one-on-one meals from prohibited sources but may attend group functions and accept meals and/or refreshments, not lavish in kind, as long as the Office of General Counsel makes a prior determination that attendance is necessary to assist the employees in performing their official duties.<sup>1</sup>

2. The Commission's Order also specifically excluded from the prohibition against accepting gifts, one-on-one meals provided by those "persons who cannot directly benefit from the Commission's regulatory activities (e.g., press organizations not affiliated with FCC licensees)."<sup>2</sup>

3. On October 23, 1987, the Office of Government Ethics issued a Memorandum on *Acceptance of Food and Refreshments by Executive Branch Employees (OGE Memorandum)*.<sup>3</sup> *Inter alia*, the OGE Memorandum directed executive branch employees not to accept one-on-one meals from any individual or organization who offers them "anything of monetary value \* \* \* simply because of their official position."<sup>4</sup> By way of illustration, the OGE Memorandum cited the very exception that the Commission's Order had attempted to carve out—"a reporter seeking information from, or an interview or ongoing working relationship with, a government

employee because of the employee's official position."<sup>5</sup>

4. In response to OGE's memorandum, the Commission is amending the definition of prohibited source contained in § 19.735-202(a) of its rules to include any person or organization who is offering anything of monetary value to a Commission employee because of the employee's official position. While the Commission is not part of the executive branch, we have historically looked to the Office of Personnel Management and OGE for guidance on and approval of our Part 19 rules. This amendment will eliminate the exception to the prohibition against one-on-one meals for those persons who cannot directly benefit from the Commission's regulatory activities, e.g., press organizations not affiliated with FCC licensees.<sup>6</sup>

5. We find that prior notice and public comment procedures are unnecessary to implement these revisions of general rules of agency practice and procedure. 5 U.S.C. § 553(b)(3)(A).

6. In view of the foregoing and pursuant to sections 303(r), and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 303(r), 154(i) and the Office of Government Ethics Memorandum on *Acceptance of Food and Refreshments by Executive Branch Employees*, issued October 23, 1987, it is hereby ordered that Part 19 of the Commission's rules is amended as set forth.

Federal Communications Commission.

H. Walker Feaster, III,

Acting Secretary.

**List of Subjects in 47 CFR Part 19**

Conflict of interest.

47 CFR Part 19 is amended as follows:

**PART 19—EMPLOYEE RESPONSIBILITIES AND CONDUCT**

1. The authority citation for Part 19 continues to read:

Authority: E.O. 11222; 3 CFR, 1965 comp., 5 CFR 735.104, unless otherwise noted.

2. In 47 CFR Part 19, Subpart B—*Ethical and Other Conduct and Responsibilities of Employees*, § 19.735-202 is amended by adding new paragraph (a)(5), to read as follows:

\* Id.

\* Immediately upon release of the October 23, 1987 Memorandum from OGE, Commission employees seeking clearance of invitations from the Office of General Counsel were advised that they are not permitted to accept one-on-one meals from the press.

**§ 19.735-202 Gifts, entertainment and favors.**

(a) \* \* \*

(5) Is offering anything of monetary value to an employee because of the employee's official position.

3. In 47 CFR Part 19, Subpart B—*Ethical and Other Conduct and Responsibilities of Employees*, section 19.735-202 is further amended by revising the reference to 47 CFR 19.735-202(a)(1)-(3) in paragraph (b)(2) to read 47 CFR 19.735-202(a)(1)-(5), and a new note is added at the end of paragraph b, to read as follows:

(b) \* \* \*

Note: These situations are elaborated upon in an October 23, 1987, Office of Government Ethics Memorandum on *Acceptance of Food and Refreshments by Executive Branch Employees*.

[FR Doc. 88-16893 Filed 7-26-88; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 661**

[Docket No. 80482-8082]

**Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California**

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure and inseason adjustment.

SUMMARY: NOAA announces (1) The closure of the recreational salmon fishery in the exclusive economic zone (EEZ) from Klipsan Beach, Washington, to Cape Falcon, Oregon, to ensure that the coho quota is not exceeded, and (2) an inseason adjustment to the recreational salmon fishery to establish a closed area in the EEZ from Leadbetter Point to Klipsan Beach, Washington, effective midnight, July 24, 1988. The Director, Northwest Region, NMFS (Regional Director), has determined in consultation with the Pacific Fishery Management Council (Council), the Washington Department of Fisheries (WDF), and the Oregon Department of Fish and Wildlife (ODFW) that the recreational fishery quota of 30,000 coho salmon for the subarea from Klipsan Beach to Cape

<sup>1</sup> 52 FR at 7578, ¶5.

<sup>2</sup> Id.

<sup>3</sup> The Office of Government Ethics was established as part of the Office of Personnel Management by the *Ethics in Government Act of 1978*, Pub. L. 95-521, Section 401, 92 Stat. 1824, 1882 (1978).

<sup>4</sup> OGE Memorandum at 3. In its memorandum, OGE explained that the term "one-on-one" meals "should not be read so literally as to cover only those situations where there is one host and one guest." It includes "any situation where one or more prohibited sources host one or a very small number of employees with or without their spouses at a restaurant or private club where the meal is purportedly the reason for the individuals to meet at that time." Id. at 1.



Falcon will be reached by July 24, 1988. The closure is necessary to conform to the preseason announcement of 1988 management measures. The inseason adjustment to establish a closed area is necessary to prevent a shift in fishing effort into the adjacent (Queets River to Klipsan Beach) subarea which remains open to recreational fishing. This action results in an overall salmon recreational fishery closure from Leadbetter Point, Washington to Cape Falcon, Oregon. This action is needed to ensure conservation of coho salmon.

**EFFECTIVE DATE:** Closure of the EEZ from Leadbetter Point, Washington, to Cape Falcon, Oregon, to recreational salmon fishing, is effective at 2400 hours local time, July 24, 1988. Comments on this closure will be received through August 8, 1988.

**ADDRESS:** Comments may be mailed to Rolland A. Schmitt, Director, Northwest Region, NMFS, BIN C15700, 7600 Sand Point Way NE., Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the same address.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206-526-6140.

**SUPPLEMENTARY INFORMATION:** Regulations governing the ocean salmon fisheries at 50 CFR Part 661 specify at § 661.21(a)(1) that "When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by publishing a notice in the Federal Register under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

Management measures for 1988 were effective on May 1, 1988 (53 FR 16002, May 4, 1988). The 1988 recreational fishery for all salmon species in the subarea from Klipsan Beach, Washington, to Cape Falcon, Oregon, commenced on July 11, 1988 and was scheduled to continue through the earliest of September 5, 1988 or the attainment of either a subarea quota of 30,000 coho salmon or an overall quota of 29,800 chinook salmon north of Cape Falcon. Based on the best available information, the recreational fishery catch in the subarea is projected to reach the subarea quota of 30,000 coho salmon by midnight, July 24, 1988 and therefore should be closed to further fishing.

Regulations at 50 CFR 661.21(b)(v) provide authority to establish closed areas. The Council at its July 13-14, 1988, meeting recommended establishment of a closed area from Leadbetter Point to Klipsan Beach, Washington, upon attainment of the Klipsan Beach, Washington, to Cape Falcon, Oregon, subarea coho quota. This adjustment is intended to prevent a shift in fishing effort of vessels that normally operate in the subarea of Klipsan Beach to Cape Falcon into a portion (Queets River to Leadbetter Point) of the adjacent subarea (Queets River to Klipsan Beach) to the north that remains open to recreational salmon fishing. According to the best available information, this increase in fishing effort could likely result in earlier closure of the recreational fishery in the adjacent northern subarea of Queets River to Klipsan Beach if this action is not taken. The Regional Director concurs with the Council's recommendation.

Therefore, NOAA issues this notice to close the recreational salmon fishery in the EEZ from Leadbetter Point, Washington, to Cape Falcon, Oregon, (which includes a portion of the subarea from Queets River to Klipsan Beach and the entire subarea from Klipsan Beach to Cape Falcon) effective midnight, July 24, 1988. This notice does not apply to Treaty Indian fisheries or to other fisheries which may be operating in other areas.

The Regional Director consulted with representatives of the Council, WDF, and ODFW regarding a closure of the recreational fishery between Leadbetter Point, Washington, and Cape Falcon, Oregon. The representatives of WDF and ODFW confirmed that Washington and Oregon will close the recreational fishery in state waters adjacent to this area of the EEZ effective midnight, July 24, 1988.

Because of the need for immediate action, the Secretary has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after the effective date, through August 8, 1988.

#### Other Matters

The closure for Klipsan Beach to Cape Falcon is authorized by 50 CFR 661.21(a)(1). The action to establish a closed area from Leadbetter to Klipsan Beach is authorized by 50 CFR 661.21(b)(1)(v). Both actions are in compliance with Executive Order 12291.

#### List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

(16 U.S.C. 1801 *et seq.*)

Dated: July 22, 1988.

Ann D. Terbush,

Acting Director of Office Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-16950 Filed 7-22-88; 5:05 am]

BILLING CODE 3510-22-M

#### 50 CFR Part 661

[Docket No. 80482-8082]

#### Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of inseason adjustment.

**SUMMARY:** NOAA announces an inseason adjustment to the recreational ocean salmon management measures in the area from the U.S.-Canada border to Cape Falcon, Oregon. The adjustment modifies the daily bag limit in this area from 2 fish, only 1 of which may be a chinook, to 2 fish of any species. The Director, Northwest Region, NMFS (Regional Director), has determined in consultation with representatives of the Pacific Fishery Management Council, the Washington Department of Fisheries (WDF), and the Oregon Department of Fish and Wildlife (ODFW), that the adjustment is necessary to provide additional opportunity to harvest chinook salmon and to prolong the recreational fishery. This action is intended to maximize the harvest of chinook salmon in this area without exceeding the ocean share of chinook and coho salmon allocated to the recreational fishery.

**EFFECTIVE DATE:** Modification of the recreational daily bag limit in the exclusive economic zone (EEZ) from the U.S.-Canada border to Cape Falcon, Oregon, is effective at 0001 hours July 24, 1988. Comments on this notice will be received through August 8, 1988.

**ADDRESS:** Comments may be mailed to Rolland A. Schmitt, Director, Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the same address.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206-526-6140.



**SUPPLEMENTARY INFORMATION:**

Regulations governing the ocean salmon fisheries are codified at 50 CFR Part 661. Management measures for 1988 were effective on May 1, 1988 (53 FR 16002, May 4, 1988). The 1988 recreational fishery for all salmon species north of Cape Falcon, Oregon, is managed not to exceed subarea recreational quotas for coho salmon or an overall recreational quota of 29,800 chinook salmon. This area currently is open to recreational fishing for all salmon species with some restrictions, including a daily bag limit of 2 fish only 1 of which may be a chinook.

According to the best available information through July 17, landings from the U.S.-Canada border to Cape Falcon, Oregon, indicate the likelihood that the recreational seasons in this area will be closed due to the attainment of subarea coho quotas with a substantial amount of the overall chinook quota remaining unharvested. A less restrictive recreational daily bag limit is expected to provide additional opportunity to harvest chinook salmon, to maximize the allowable harvest of chinook and coho salmon, and to prolong the recreational fishery.

Regulations at 50 CFR 661.21(b)(iii) authorize inseason changes in recreational bag limits. Therefore, NOAA issues this notice to adjust the recreational salmon fishery in the EEZ from the U.S.-Canada border to Cape Falcon, Oregon, by modifying the daily bag limit from 2 fish only 1 of which may be a chinook, to 2 fish of any species, effective 0001 hours local time July 24, 1988.

This notice does not apply to Treaty Indian fisheries or to other fisheries which may be operating in other areas.

The Regional Director consulted with representatives of the Pacific Fishery Management Council, WDF, and ODFW regarding an adjustment of the recreational fishery between the U.S.-Canada border and Cape Falcon, Oregon. The representatives of WDF and ODFW confirmed that Washington and Oregon will manage the recreational fishery in state waters adjacent to this area of the EEZ in accordance with this federal action.

Because of the need for immediate action, the Secretary has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after the effective date, through August 8, 1988.

**Other Matters**

This action is authorized by 50 CFR 661.21 (b)(1)(ii) and is in compliance with Executive Order 12291.

**List of Subjects in 50 CFR Part 661**

Fisheries, Fishing, Indians.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 22, 1988.

Ann D. Terbush,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-16951 Filed 7-22-88; 5:05 pm]

BILLING CODE 3510-22-M

**50 CFR Part 675**

[Docket No. 71147-8002]

**Groundfish of the Bering Sea and Aleutian Islands Area**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of inseason adjustment.

**SUMMARY:** NOAA announces the apportionment of amounts of Pacific cod to joint venture processors (JVP) under provisions of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The intent of this action is to assure optimum use of "other flatfish" by allowing continued retention of Pacific cod by JVP fisheries.

**DATES:** Effective July 22, 1988. Comments will be accepted through August 8, 1988.

**ADDRESS:** Comments should be mailed to James W. Brooks, Acting Director, Alaska Region, National Marine Fisheries Services, P.O. Box 21668, Juneau, AK 99802-1668, or be delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Janet E. Smoker (Fishery Management Biologist, NMFS), 907-586-7230.

**SUPPLEMENTARY INFORMATION:** The FMP governs the groundfish fishery in the U.S. exclusive economic zone under the Magnuson Fishery Conservation and Management Act. The FMP was developed by the North Pacific Fishery Management Council (Council) and is implemented by rules appearing at 50 CFR 611.93 and Part 675.

The total allowable catch (TAC) for various groundfish species is apportioned initially among domestic annual harvest (DAH), reserves, and the total allowable level of foreign fishing

(TALFF). The reserve and DAH amounts, in turn, are to be apportioned to DAH and/or TALFF during the fishing year, under 50 CFR 611.93(c) and 675.20(b). As soon as practicable after April 1, June 1, August 1, and on such other dates as are necessary, the Secretary of Commerce apportions to JVP the part of domestic annual processing (DAP) that he determines will not be harvested by U.S. vessels and delivered to U.S. processors during the remainder of the year, unless such apportionments would adversely affect the conservation of groundfish resources or prohibited species.

The initial specifications of DAP for 1988 were based on the projected needs of the U.S. processing industry as assessed by a mail survey sent by the Director, Alaska Region, NMFS (Regional Director) to fishermen and processors in October 1987. After 15 percent of the Bering Sea and Aleutian Islands (BSAI) TAC was placed in the non-specific reserve, as required at 50 CFR 675.20(a)(3), the initial specifications for DAP were determined, and the remaining amounts were provided to JVP (53 FR 894, January 14, 1988). No initial specification was provided for TALFF because DAH requirements exceeded TAC.

On January 14 (53 FR 894) JVP was supplemented by 804 mt of the non-specific reserve to provide necessary bycatch of Greenland turbot, Pacific ocean perch, rockfish, sablefish, and squid. On April 14 (53 FR 12772, April 19, 1988), JVP was supplemented by 24,000 mt of the non-specific reserve to provide additional amounts of yellowfin sole, "other flatfish," and Pacific cod in order to allow joint venture operations to continue without interruption. At its April meeting, the Council recommended that the Regional Director supplement the JVP for pollock in the Bering Sea by 100,000 mt. On May 5 (53 FR 16552, May 10, 1988), JVP was supplemented by 135,030 mt of the non-specific reserve to provide the recommended amount of pollock and necessary bycatch amounts of Greenland turbot, "other flatfish," Pacific cod, and "other species."

In early May, the Regional Director completed a second survey to determine DAP needs. On May 20 (53 FR 19303, May 25, 1988) JVP was supplemented by 96,000 mt of the non-specific reserve to provide additional amounts of pollock, arrowtooth flounder, and "other flatfish," and DAP was supplemented by 10,000 mt of the non-specific reserve to provide an additional amount of "other flatfish." On June 17 (63 FR 23402, June 22, 1988) JVP was supplemented by 6,770



mt of the non-specific reserve to provide additional amounts of Aleutian Islands subarea pollock, and Greenland turbot.

On July 11 (53 FR 26599, July 14, 1988) JVP was supplemented by 1,200 mt from DAP to provide bycatch amounts of

Aleutian Islands subarea Pacific ocean perch and "other rockfish."  
Reapportionment

TABLE 1.—BERING SEA/ALEUTIAN ISLANDS REAPPORTIONMENTS OF TAC

[All values are in metric tons]

		Current	This action	Revised
Pacific cod.....	DAP	87,416	-5,000	82,416
(TAC=200,000; ABC=385,000).....	JVP	100,584	+5,000	105,584
Total (TAC=2,000,000).....	DAP	801,320	-5,000	796,320
	JVP	1,171,284	+5,000	1,176,284
	Reserves	27,396		27,396

The following actions are taken by this notice to reapportion groundfish from DAP to JVP fisheries.

#### To the BSIA JVP

In the Bering Sea subarea, about 20 U.S. catcher boats delivering fish to a dozen foreign processors are conducting directed fisheries on "other flatfish" and have intermittently experienced high bycatch amounts to Pacific cod. At current catch rates, the current JVP of Pacific cod is in danger of being reached in the near future. Should its JVP be reached, Pacific cod would be required to be discarded, resulting in wastage and reduced income to U.S. fishermen who would otherwise be paid for retained and processed amounts.

The current DAP catch (34,542 mt) of Pacific cod is only 40 percent of the 87,416 mt DAP quota. The results of the NMPS May DAP survey indicated an

expected catch of 38,015 mt by the end of the second quarter. For this reason, the Regional Director has determined that the current DAP amount for Pacific cod is excess to DAP needs in 1988. Therefore, 5,000 mt of the DAP amount for Pacific cod is transferred to JVP to provide bycatch in JVP fisheries.

This reapportionment does not result in overfishing of Pacific cod stocks, as the resulting species TAC does not exceed its ABC.

#### Classification

This action is taken under the authority of 50 CFR 675.20(b) and complies with Executive Order 12291.

The Assistant Administrator for Fisheries finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment. Immediate effectiveness of this notice is necessary to benefit

domestic fishermen who otherwise would have to discard substantial amounts of Pacific cod if non-retention was required as a result of achieving a previously specified JVP amount. However, interested persons are invited to submit comments in writing to the address above for 15 days after the effective date of this notice.

#### List of Subjects in 50 CFR Part 675

Fish, Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 et seq.

Dated: July 22, 1988.

Ann D. Terbush,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-16949 Filed 7-22-88; 5:13 pm]

BILLING CODE 3510-22-M



# Proposed Rules

Federal Register

Vol. 53, No. 144

Wednesday, July 27, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 208

[Order No. 1292-88]

#### Aliens and Nationality; Asylum and Withholding of Deportation Procedures

**AGENCY:** Executive Office For Immigration, Justice.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed amendment to 8 CFR 208.10 would make certain grounds for the mandatory denial of asylum claims, such as an alien's conviction of a particularly serious crime in the United States, directly applicable and binding on applications for asylum that are filed during deportation or exclusion proceedings. In addition, it would clarify the authority of immigration judges to deny an application for asylum or withholding of deportation for mandatory reasons without an unnecessary evidentiary hearing into other aspects of an alien's case. The clarification is necessary because of recent appellate decisions calling into question the pre-existing authority of the Board of Immigration Appeals (Board), and concomitantly the immigration judges, to pretermit evidentiary hearings on such applications and to deny them because of ineligibility. This proposed rule would also remove language that does not reflect the actual procedure before immigration judges considering asylum applications in deportation or exclusion proceedings.

**DATES:** Written comments must be received on or before August 26, 1988.

**ADDRESS:** Please submit written comments in triplicate to Gerald S. Hurwitz, Counsel to the Director, Executive Office For Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, Virginia 22041. Telephone: (703) 756-6470.

#### FOR FURTHER INFORMATION CONTACT:

*For General Information:* Gerald S. Hurwitz, Counsel to the Director, Executive Office For Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, Virginia 22041. Telephone: (703) 756-6470.

*For Specific Information:* Gerald S. Hurwitz, Counsel to the Director, Executive Office For Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, Virginia 22041. Telephone: (703) 756-6470; or

Ralph Thomas, Deputy Assistant Commissioner, Refugee, Asylum and Parole, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536. Telephone: (202) 633-5463; or Robert C. Hill, Deputy Director and Counsel, Asylum Policy and Review Unit, Department of Justice, 10th and Constitution Ave., NW., Room 6213, Washington, DC 20530. Telephone: (202) 633-2415; or

Donald A. Couvillon, Attorney, Office of Immigration Litigation, Civil Division, Department of Justice, Washington, DC 20530. Telephone: (202) 272-4397.

**SUPPLEMENTARY INFORMATION:** The Refugee Act of 1980 provides two potential avenues of relief for aliens in the United States who believe they would face persecution abroad. First, section 243(h) of the Immigration and Nationality Act, 8 U.S.C. 1253(h), provides for the withholding of deportation as to certain aliens by specifying that the Attorney General shall not deport an alien to a country if the alien's life or freedom would be threatened in that country on account of race, religion, nationality, membership in a particular social group, or political opinion. Second, section 208 of the Immigration and Nationality Act, 8 U.S.C. 1158, requires the Attorney General to establish procedures for aliens who have managed to get to the United States to apply for asylum, and permits the Attorney General to grant asylum, in his discretion, to any such alien who qualifies as a refugee because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Section 243(h) withholding of deportation is mandatory for qualifying aliens. However, section 243(h)(2) specifically excludes from protection certain aliens, regardless of whether their lives or freedom would be

threatened upon return to the country of prospective deportation. The statute thus states that its benefits "shall not apply to any alien if the Attorney General determines that—(A) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person \* \* \* ; (B) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States; (C) there are serious reasons for consideration that the alien has committed a serious nonpolitical crime outside the United States prior to [his] arrival \* \* \* ; or (D) there are reasonable grounds for regarding the alien as a danger to the security of the United States."

Section 208, the discretionary asylum provision, contains no such mandatory denial grounds, except that an alien must be a "refugee" to qualify for asylum, and aliens who have persecuted others cannot qualify as "refugees" under 8 U.S.C. 1101(a)(42). By regulation, however, the grounds for the mandatory denial of withholding of deportation were incorporated into the provisions requiring the denial of asylum applications presented to district directors of the Immigration and Naturalization Service. 8 CFR 208.8(f) (1987). The obvious intent of this regulation was to exercise the Attorney General's discretion in such a fashion as to preclude a grant of asylum for an alien who Congress had barred from obtaining even the more limited, country specific relief of withholding of deportation.

The design of the regulation, however, was imperfect; it did not specifically extend to the adjudication of asylum applications by immigration judges and the Board of Immigration Appeals in exclusion and deportation proceedings. This proposal would eliminate any question in this respect. In addition, both immigration judges and the Board have long exercised authority to limit the scope of their inquiry, and thus the scope of the necessary factual hearing, on applications for various forms of relief from deportation, if it became obvious that relief ultimately would be denied either in the exercise of discretion or because of statutory ineligibility. This procedure has allowed the immigration judges and the Board to dispense with evidentiary hearings on issues relating to the application that



are unnecessary to the resolution of the particular case. Indeed, the Supreme Court has upheld the authority of the Board to avoid unnecessary inquiry into all aspects of an alien's claim for relief when a dispositive ground can be identified. *INS v. Bagamasbad*, 429 U.S. 24 (1976). See *INS v. Rios-Pineda*, 105 S.Ct. 2098 (1985); *INS v. Phinpathya*, 464 U.S. 183 (1984); *INS v. Jong Ha Wang*, 450 U.S. 139 (1981).

Recently, however, the authority of the Board and immigration judges to pretermitt unnecessary evidentiary hearings, specifically in connection with asylum applications, has been called into question in some circuits. *Arauz v. Rivkind*, 834 F.2d 979 (11th Cir. Dec. 31, 1987), *Petition for rehearing filed* (Feb. 19, 1988); *Castro-O'Ryan v. INS*, 821 F.2d 1415 (9th Cir. 1987), *Petition for rehearing filed* (Aug. 27, 1987); *Shahandeh/Pey v. INS*, 831 F.2d 1384 (7th Cir. 1987). In *Arauz v. Rivkind*, for example, the Eleventh Circuit concluded that an immigration judge had erred in refusing to take evidence on the likelihood of an alien's persecution abroad, despite the fact that the immigration judge found the alien not to merit a favorable exercise of discretion because he had been convicted of conspiracy to possess with intent to distribute marijuana. The Court in *Arauz* reached its decision by focusing largely on the precise wording of the regulations respecting asylum determinations, and particularly on those aspects of the regulations which, in 8 CFR 208.10(c), provide that an alien "may present evidence for the record," and which, in 8 CFR 208.10(f), limit the binding effect of a criminal conviction for an admittedly "particularly serious crime" to INS district director asylum decisions.

The purpose of the proposed rule is to overcome the line of decisions, represented by *Arauz*, which would require full evidentiary hearings on all aspects of asylum claims, and to correct the oversight in the regulations respecting the applicability of the mandatory grounds for denial of asylum applications to any such claims advanced in deportation and exclusion proceedings. The proposed rule would accomplish this by changing the regulations in two respects. First, with one exception, it would make the grounds for the mandatory denial of asylum that presently apply to such applications before district directors (i.e., those applications made outside of deportation and exclusion proceedings) also clearly apply to applications that are made in the context of exclusion and deportation proceedings before immigration judges. Second, it would

make it clear that immigration judges have the authority to limit evidentiary hearings on asylum claims to only those matters they find to be dispositive of the application, and that no inquiry is necessary respecting questions beyond the issues controlling the outcome of the case.

This proposed rule would add new language to 8 CFR 208.10(c) to make it clear that a full hearing is not required with respect to issues that do not form the basis for the resolution of a case. There are presently 69 immigration judges sitting nationwide to hear cases. In Fiscal Year 1987, these judges received 86,873 new cases, including 8,659 asylum applications, and the Board received 8,204 new appeals. The effect of the *Arauz* decision, as well as the other similar cases, would be to require prolonged evidentiary hearings exploring issues that are irrelevant to the decision. If it is apparent at the outset, or early on in the process, that the alien is ineligible for asylum or withholding of deportation, the immigration judge should be able to forgo an evidentiary hearing on questions extraneous to the decision. By authorizing the pretermittion of an evidentiary hearing, the immigration judge can dispense with unnecessary and time consuming factual hearings on nondispositive issues. The limited immigration judge resources will thus be better employed in addressing other cases, rather than in continuing to explore nondeterminative questions in asylum cases.

The immigration judge fact-finder can continue to have the flexibility to address the issues that are, in his discretion, appropriate to the adjudication of the application. He can, for example, hear evidence on only the claim of persecution, or on only a ground for the possible mandatory denial (e.g., a criminal record), or on both persecution and possible grounds for the mandatory or discretionary denial of the claim, depending on what appears warranted by the facts of each case. The immigration judge, however, would not be required to follow an inflexible approach respecting the scope of the hearing on the persecution aspects of the case.

A corresponding change is proposed to § 208.10(b), which deals with the adjournment of exclusion and deportation proceedings to obtain advisory opinions from the Bureau of Human Rights and Humanitarian Affairs of the Department of State. The new language would not require such an adjournment if an alien were barred from asylum by virtue of certain grounds

set forth in § 208.8(f). This would merely reflect the current interpretation of this provision by the Board. *Matter of Carballa*, \_\_\_\_ I&N Dec. \_\_\_\_, Interim Decision 3007 (BIA 1986).

In addition, § 208.10(f) would be amended by extending to immigration judge and Board determinations the mandatory grounds for denial of asylum already found in § 208.8(f)(1) and applicable before district directors, with one exception. In keeping with the proposed regulations covering all aspects of asylum adjudications, which are published at 53 FR 11300 (April 6, 1988), evidence of criminal activity not subject to United States jurisdiction which would preclude withholding of deportation is not retained as a mandatory basis for denial of asylum, but will be considered in connection with the exercise of discretion.

An alien must show a greater chance of his being persecuted in order to be eligible for withholding of deportation than to be eligible for asylum. Compare *INS v. Cardozo-Fonseca*, \_\_\_\_ U.S. \_\_\_\_, 107 S.Ct. 1207 (1987), with *INS v. Stevic*, 467 U.S. 407 (1984). Notwithstanding both the required showing of a threat to life of freedom, and the higher probability of persecution necessary to obtain relief under section 243(h), Congress declared that certain conduct would be an absolute bar to a grant of withholding of deportation, such as an alien's conviction for a particularly serious crime. Although the asylum statute contains no similar absolute preclusion, conduct which is serious enough to preclude withholding of deportation would, in general, also appear serious enough to bar a grant of asylum, regardless of the other factors present in the case. This approach has long been reflected in the regulations governing district director adjudications. Except for the change, reference above, respecting foreign criminal activity, the proposed rule merely would bring the regulations governing immigration judge determinations into conformity with the rule that now governs the district directors.

The current language contained in § 208.10(f) would be deleted, because it does not reflect the actual procedure that is used for the consideration of asylum and withholding of deportation applications before immigration judges. This revision would bring the section into conformity with the procedure outlined in §§ 236.3(a) and 242.17(c).

Finally, this minor set of revisions to the existing asylum regulations is being proposed at this time, notwithstanding the more comprehensive revision that is already under consideration. See 53 FR



11300 (April 6, 1988); 52 FR 32552 (Aug. 28, 1987); 52 FR 46776 (Dec. 10, 1987). That more comprehensive package of asylum regulations is likely to be subject to greater comment and debate than is this modest proposal, and the ultimate effective date of any comprehensive rulemaking will likely be delayed because of the implementation problems associated with the magnitude of the proposed changes to the system. No similar administrative difficulties should be connected with this minor correction. Moreover, there is need for an immediate correction, because of the potential adverse impact of decisions such as *Arauz v. Rivkind* on the immigration judge hearing process. In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This is not a major rule within the meaning of section 1(b) of E.O. 12291.

#### List of Subjects in 8 CFR Part 208

Aliens, Asylum, Immigration.

Accordingly, it is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations as follows:

#### PART 208—ASYLUM PROCEDURES

1. The authority citation for Part 208 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1158, 1253.

2. The first sentence of § 208.10(b) is revised to read as follows:

#### § 208.10 Asylum requests in exclusion or deportation proceedings.

(b) *BHRHA advisory opinion.* When the asylum request is filed, the hearing will be adjourned for the purpose of requesting an advisory opinion from BHRHA, unless the application is denied solely by virtue of the provisions of § 208.8(f)(1)(iii), (iv) or (vi). \*\*\*

3. Section 208.10(c) is amended by inserting the following language between the first and second sentences:

(c) \*\*\* An Immigration Judge may limit, in the exercise of discretion, the scope of any evidentiary hearing concerning asylum or withholding of deportation to those matters that are dispositive of the application. An evidentiary hearing extending beyond the basis for a mandatory denial is not required with respect to an asylum application if such a basis is found to exist, or with respect to a withholding of deportation application if any preclusion

under section 243(h)(2) of the Act is found to exist. \*\*\*

4. Section 208.10(f) is revised to read as follows:

(f) *Denial.* The provisions of § 208.8(f)(1), other than subparagraph (v), shall apply to the adjudication of asylum applications in deportation proceedings under section 242(b) of the Act and exclusion proceedings under section 236 of the Act.

Dated: July 20, 1988.

Edwin Meese III,  
Attorney General.

[FR Doc. 88-16912 Filed 7-26-88; 8:45 am]

BILLING CODE 1531-26-M

#### DEPARTMENT OF THE TREASURY

##### Fiscal Service

#### 31 CFR Part 210

#### Federal Payments Made Through Financial Institutions by the Automated Clearing House Method

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** There are four reasons for this revision of 31 CFR Part 210. First, to clarify the breadth of payments governed by these regulations. In addition to the benefit payments enumerated in the current text of 31 CFR 210.2(d), these regulations apply to nonbenefit payments, including but not limited to, vendor payments, Internal Revenue Service tax refunds, savings bonds, grants, and loans. This part, as its title suggests, generally applies to all Federal payments through financial institutions by the Automated Clearing House (ACH) method. Second, a section on prenotification is added to establish the framework for these messages. Third, provisions are added, expressly applying the ACH method of payment to discretionary allotments of Federal employees' wage and salary payments. Fourth, other minor changes are needed including the expansion of the definition of financial institution and the addition of a paragraph to cover instances of termination of enrollments due to the closing of a financial institution. This revision will address these needs.

**DATE:** Comments on this proposed rule must be received by September 26, 1988.

**ADDRESS:** Comments may be mailed to the Policy Research Branch, Financial Management Service, U.S. Department of the Treasury, Room 328, Liberty

Center, 401 14th Street, SW., Washington, DC 20227.

#### FOR FURTHER INFORMATION CONTACT:

Karen Pedone, (202) 287-0347.

**SUPPLEMENTARY INFORMATION:** Part 210 of Title 31 of the Code of Federal Regulations sets forth the rights and liabilities of the Federal Government, the financial institution and the recipient where a recipient of Federal Government payments authorizes Direct Deposit of the payments and the payments are made by the ACH method. The regulations in this part were promulgated in 1975 and revised in 1976, 1984, and 1987. Since that time, it has become apparent that the regulations need clarification and improvement in a number of respects. Notably, we propose to clarify that the coverage of the regulations includes all nonbenefit payments in response to a Financial Management Service (a bureau of the United States Department of the Treasury) objective to increase the utilization of the ACH method for Federal Government payments. Accordingly, Subpart A is expanded to clarify the breadth of payments governed by these regulations which generally apply to all Federal payments through financial institutions by the Automated Clearing House (ACH) method.

There are a number of new definitions found in these proposed regulations at § 210.2, including definitions of allotment, allottee, allotter, discretionary allotments, employee, and nonbenefit payment. The current definition of "Financial institution" has been expanded to cover the case where a financial institution maintains an account with a correspondent rather than with the Federal Reserve Bank and adds the following sentence, "Where a financial institution utilizes the services of a correspondent bank, the term financial institution shall include a designated correspondent." The current definition of "Payment" has been expanded to include nonbenefit payments. The current definition of "Payment institution" has been modified to change the phrase "similar writing" to read "similar document" to describe more accurately the medium on which a payment instruction may be contained. Finally, the current definition of "Recipient" has been expanded to mean a person, corporation, or other public or private entity which is authorized by a program agency to receive benefit or nonbenefit payments from the Federal Government. "Recipient" includes a natural person or entity authorized by a



program agency to receive benefit payments for a beneficiary.

A new paragraph designated § 210.4(c)(5) has been added to cover instances of termination of enrollments due to the closing of a financial institution.

Changes have been made to § 210.6(e) to reflect that the Federal Reserve Bank will now be required to make the amount specified in a nonbenefit payment available for withdrawal from a financial institution's books on the payment date. This is consistent with current usage in the commercial world and other Treasury programs such as TREASURY DIRECT and State and local Government payments. Treasury has made an exception to this rule by requiring that benefit and salary payments be made available to the recipient at the opening of business on payment date in the interest of promoting the use of Direct Deposit and will continue with this policy for these payments only.

Benefit and salary payments (and allotments therefrom) will continue to be made available for withdrawal by the opening of business on the payment date.

A parallel change has been made to § 210.7(d) which also requires financial institutions to make the amount specified in a nonbenefit payment instruction available for withdrawal or other use by the recipient on the payment date. Again, benefit and salary payments (and allotments therefrom) will continue to be made available for withdrawal not later than the opening of business on the payment date.

Section 210.8 has been added to establish the framework for sending prenotification messages to financial institutions prior to the first payment. Shortly before the initial payment is to occur, the Government may send the financial institution a prenotification message to alert it to the fact that a future ACH payment will be made. Prefnotification also provides an opportunity for verification by the financial institution of the accuracy of the account information. All the information relating to the ACH payment, except the amount of the payment, will be provided so that the information can be verified by the financial institution. Policy determinations regarding the use of prenotification may be made from time to time by the Service with any class of ACH payments. Prefnotification is an optional mechanism that typically will be used for non-benefit payment files. Prefnotification procedures will be published as amendments to *The Green Book*.

A new Subpart C has been added to establish the framework by which Federal Government employees may make discretionary allotment payments directly from their wage and salary payments by ACH to a third party account.

The changes and new procedures will be published as amendments to *The Green Book* on Direct Deposit.

Treasury has determined that this is not a major rule as defined by Executive Order 12291. Accordingly, a regulatory impact analysis is not required. It is hereby certified pursuant to the Regulatory Flexibility Act that this revision will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Act analysis is not required.

#### List of Subjects in 31 CFR Part 210

Banks, banking, Electronic funds transfer, Federal Reserve System.

Accordingly, 31 CFR Part 210 is amended as follows:

#### PART 210—[AMENDED]

1. The table of contents is revised to read as follows:

##### Subpart A—General

- Sec.
- 210.1 Scope of regulations.
- 210.2 Definitions.
- 210.3 Policy for payments by the Automated Clearing House method.
- 210.4 Recipients.
- 210.5 The Federal Government.
- 210.6 Federal Reserve Banks.
- 210.7 Financial institutions.
- 210.8 Prefnotification.
- 210.9 Timeliness of action.
- 210.10 Liability of, and acquittance to, the United States.
- 210.11 Fraud.

##### Subpart B—Repayment of Benefit Payments

- Sec.
- 210.12 Death or legal incapacity of recipients or death of beneficiaries.
- 210.13 Collection procedures.
- 210.14 Notice to Account Owners of collection action.
- 210.15 Erroneous death information.

##### Subpart C—Discretionary Salary Allotments

- Sec.
- 210.16 General.
- 210.17 Criteria and standards.
- 210.18 Method of payment.

2. The authority citation for Part 210 is revised to read as follows:

Authority: 5 U.S.C. 5525; 12 U.S.C. 391; 31 U.S.C. 321; and other provisions of law.

3. Section 210.1 is revised to read as follows:

#### § 210.1 Scope of regulations.

This part governs Federal Government payments (benefit and nonbenefit) made by the automated clearing house (ACH) method through Federal Reserve Banks, and financial institutions to recipients maintaining accounts at financial institutions. It describes the procedures to be used, defines the obligations and responsibilities of the participants in ACH payments, and states terms of a contract between the Federal Government and those participants. It also prescribes the liabilities of financial institutions to the Federal Government arising from payments to deceased or incompetent recipients, and deceased beneficiaries of Federal benefit payments. Regulations promulgated by the Bureau of the Public Debt governing TREASURY DIRECT payments made by the ACH method for principal and interest on Government securities can be found at Part 357 of this title; regulations promulgated by the Bureau of the Public Debt governing State and local Government series payments made by the ACH for principal and interest on Government securities can be found at Part 344 of this title.

4. The paragraph designations for § 210.2 are removed. The definitions for "Financial institution", "Payment", "Payment instruction", and "Recipient" are revised. The definitions for "Allotment", "Allottee", "Business day", "Discretionary allotment", "Employee", "Nonbenefit payment", and "Prefnotification" are added to read as follows:

#### § 210.2 Definitions.

"Allotment" means a recurring specified deduction from pay for a legal purpose authorized by an employee to be paid to an allottee.

"Allottee" means the person or institution to whom an allotment is made payable.

"Allotter" means the employee from whose pay an allotment is made.

"Business day" means any day on which the Federal Reserve Bank of the district is open to the public.

"Discretionary allotment" means an amount that a Federal Government employee is permitted, by the employing Federal agency, to direct voluntarily to be deducted from his or her net salary amount and paid to another party. The aggregate amount of discretionary allotments may not exceed the net pay due the employee for each pay period after all deductions required by law are subtracted.



"Employee" means an employee of a Federal Government agency, unless otherwise provided.

"Financial institution" means any bank, savings bank, savings and loan association, credit union, or similar institution. Where a financial institution utilizes the services of a correspondent bank, the term financial institution shall include a designated correspondent.

"Nonbenefit Payment" means any Federal Government payment other than a benefit payment. A nonbenefit payment can be a one-time or a recurring payment, including but not limited to vendor payments, Internal Revenue Service tax refunds, Federal Government salary payments, grants, travel disbursements and reimbursements, loans and interests on series H and EE bonds.

"Payment" means a sum of money which is transferred to a recipient in satisfaction of an obligation. A payment includes any Federal Government benefit, annuity, nonbenefit payment, or other payment including any payment of salary, wages, or pay and allowances (or allotment therefrom).

"Payment instruction" means an order issued by the Federal Government for the payment of money under this part. A payment instruction may be contained on:

- (1) A letter, memorandum, telegram, bill, invoice, computer printout or similar document, or
- (2) Any form of nonverbal communication, registered upon magnetic tape, disc or any other medium designed to capture and contain in durable form conventional signals used to electronically communicate messages.

"Prenotification" means a zero dollar ACH payment instruction sent out by the Government. It is used to ensure that, before actual payment instructions are sent through a Federal Reserve Bank, the financial institution will be able to credit payments accurately to the designated account. A prenotification, if used, will precede the relevant first dollar payment instruction by at least ten (10) days and is constructed from a recipient's enrollment to receive ACH payment.

"Recipient" means a person, corporation, or other public or private entity which is authorized by a program agency to receive payments from the Federal Government. Recipient includes a natural person or entity authorized by a program agency to receive benefit payments from the Federal Government.

5. Section 210.4 is amended by adding paragraph (c)(5) to read as follows:

#### § 210.4 Recipients.

- (c) \* \* \*
- (1) \* \* \*
- (2) \* \* \*
- (3) \* \* \*
- (4) \* \* \*
- (5) The closing of a financial institution, whether voluntarily or involuntarily, without successor.

6. Section 210.6(e) is revised to read as follows:

#### § 210.6 Federal Reserve Banks.

(e) A Federal Reserve Bank receiving a payment instruction from the Federal Government shall make the amount specified in the payment instruction available for withdrawal from the financial institution's account on its books, referred to in paragraph (d) of this section, on the payment date. In the case of a Federal Government benefit or salary payment (or allotment therefrom), the amount of the payment shall be made available for withdrawal by the opening of business on the payment date.

7. Section 210.7(d) is revised to read as follows:

#### § 210.7 Financial institutions.

(d) A financial institution receiving a payment under this part shall credit the amount of the payment to the designated account of the recipient on its books, and it shall make the amount available for withdrawal or other use by the recipient on the payment date. In the case of a Federal Government salary or benefit payment (or allotment therefrom), the financial institution shall make the amount of the payment available for withdrawal not later than the opening of business on the payment date. "Available" in this paragraph means accessible through any means of access provided by a financial institution to its customers for the recipient's type of account, for example, automated teller machines, or automatic transfers from the recipient's account. If the payments or any related information received by the financial institution from a Federal Reserve Bank do not balance, are incomplete, are clearly erroneous on their face, or are incapable of being processed, the financial institution, after assuring itself that neither it nor any of its agents is responsible, shall immediately notify the Federal Reserve Bank in order that it may deliver

corrected information to the financial institution.

#### § 210.9 [Redesignated from § 210.8]

8. Section 210.8 is redesignated as § 210.9.

9. A new § 210.8 is added to Subpart A to read as follows:

#### § 210.8 Prenotification.

(a) Regardless of whether or not it has participated in an enrollment, a financial institution's acceptance and handling of a prenotification or a payment issued pursuant to this part shall constitute its agreement to the provisions of this part.

(b) Any class of ACH payment may be prenoted at the discretion of the Service and/or the program agency.

(c) The financial institution shall reject the prenotification message by midnight of the banking day following the banking day of receipt of such prenotification if the information contained in the message does not agree with the corresponding record of the financial institution, or if for any reason the financial institution will not be able to credit the payment in accordance with this part. A banking day is defined as any day on which the Federal Reserve Bank of the district is open to the public.

(d) If a financial institution does not reject or otherwise respond to a prenotification message within the specified time period, the financial institution shall be deemed to have accepted the prenotification and to have warranted to the Federal Government that it shall post the payment on time to the account specified in the prenotification.

#### § 210.9 [Redesignated as § 210.10]

10. Section 210.9 is redesignated as § 210.10.

11. Section 210.11 is amended by revising paragraph (b) to read as follows:

#### § 210.11 Fraud.

(b) A financial institution shall verify the identity of any person who initiates and executes an enrollment through such financial institution. The Federal Government shall verify the identity of any person who presents an enrollment to the Federal Government without prior review or execution by a financial institution. A financial institution that executes an enrollment in which the recipient's or beneficiary signature is forged or other information is falsified shall be liable to the Federal



Government for all payments made in reliance thereon, except for the case where the beneficiary was deceased at the time the recipient executed the enrollment and if the financial institution had no knowledge of the beneficiary's death. However, once the financial institution has provided written or electronic notice to the program agency that a payment certified by the program agency has not been received by the correct recipient or beneficiary, it shall not be liable for any payments based on the forged, false, or fraudulent information which are certified for payment after the date such written or electronic notice is received by the program agency.

11. Subpart C is added to read as follows:

#### **Subpart C—Discretionary Salary Allotments**

##### **§ 210.16 General.**

This Subpart applies only to discretionary allotments. The regulations in this subpart do not supersede, and shall not be used to circumvent, the requirements of particular statutes, Executive Orders or other executive branch regulations; for example, see Office of Personnel Management regulations at 5 CFR Part 550, Subpart C implementing 5 U.S.C. 5525. Savings allotments are governed under the regulations at 31 CFR Part 209.

##### **§ 210.17 Criteria and standards.**

(a) Discretionary allotments may be made for any purpose determined appropriate by the head of an agency and which are consistent with Subchapter III of Chapter 55 of Title 5, United States Code, and Part 550 Subpart C of Chapter 1 of Title 5, Code of Federal Regulations.

(b) Discretionary allotment payments shall be made in accordance with the schedule established by the program agency, provided such allotment payments are not issued until the related earnings have accrued.

##### **§ 210.18 Method of Payment.**

(a) Payment of discretionary allotments shall be made following the policy and procedures outlined in 31 CFR Part 210, Subpart A.

(b) Discretionary allotments shall be made available by the allotter to the allottee in accordance with § 210.7(d); that is, as of the opening of business on the payment date.

(c) Collection procedures and reclamation of allotment payments shall be the same as those for benefit

payments under 31 CFR Part 210, Subpart B.

W.E. Douglas,  
Commissioner.

Dated: July 18, 1988.

[FR Doc. 88-16707 filed 7-26-88; 8:45 am]

BILLING CODE 4810-35-M

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Health Care Financing Administration**

#### **42 CFR Part 405**

[BERC-473-P]

#### **Medicare Program; Protocol for the Reuse of Dialysis Bloodlines**

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would establish standards for reuse of bloodlines during hemodialysis as a Medicare condition of coverage for suppliers of end-stage renal disease (ESRD) services. The rule would require that if a facility reuses bloodlines it must reuse only a bloodline for which the Food and Drug Administration (FDA) has accepted the manufacturer's protocol for reuse for that particular bloodline, and that the facility reuse the bloodlines only in accordance with that protocol. Effective July 1, 1988, bloodlines labeled "for single use only or its equivalent" may not be reused but items labeled, for example, "sterility guaranteed for first use only" could be reused if the facility follows a manufacturer's protocol for reprocessing accepted by the FDA.

Section 1881(f)(7)(C) of the Social Security Act, added by section 9335(k) of the Omnibus Budget Reconciliation Act of 1986, provides that failure of a facility to comply with these standards would be cause for us to terminate the facility from participation in the Medicare program and to deny payment for the dialysis treatment affected.

**DATE:** Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5:00 p.m. on September 26, 1988.

**ADDRESS:** Mail comments to the following address:

Health Care Financing Administration,  
Department of Health and Human Services, Attention: BERC-473-P, P.O. Box 26676, Baltimore, Maryland 21207

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC, or  
Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC-473-P. Comments received timely will be available for public inspection as they are received, generally beginning approximately three weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Avenue SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202-245-7890).

**FOR FURTHER INFORMATION CONTACT:** John Powell, (301) 966-4654.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

##### *A. Program Description*

Under section 9335(k) of the Omnibus Budget Reconciliation Act of 1986 (OBRA '86), Pub. L. 99-509, which established a new section 1881(f)(7) of the Social Security Act (the Act), dialysis facilities are prohibited from reusing bloodlines, transducer filters, dialyzer caps and other dialysis supplies on or after July 1, 1988, unless the Secretary has established protocols for their reuse and the facilities follow the protocols. (OBRA '86 prohibited reuse without established protocols on or after January 1, 1988. Section 4036(c) of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), Pub. L. 100-203, changed that date to July 1, 1988 with respect to the reuse of bloodlines). The failure of a dialysis facility to comply with this limitation would constitute grounds for denial of payment for the affected services or termination of the facility from the Medicare program. In the final rule, "Standards for Reuse of Hemodialyzer Filters and Other Dialysis Supplies," 52 FR 36926, we established a protocol for the reuse of hemodialyzers used to treat the same patient, and addressed reuse of transducer filters, dialyzer caps and other dialysis supplies. Reuse involves the cleaning, disinfecting, and preparation of disposable hemodialysis devices for subsequent use for the same patient.

##### *B. Experience with New and Reused Bloodlines*

Arterial and venous bloodlines are used to transfer a patient's blood through the filtering devices of a hemodialysis machine and to return it for the patient. Inasmuch as bloodlines are essential to the operation of the hemodialyzer they are considered



medical devices and thus are subject to Food and Drug Administration (FDA) regulation, under the authority of the Medical Device Amendments of 1976. Currently manufacturers of accepted bloodlines have labeled them "for single use only" since they guarantee product integrity only for that first use. Notwithstanding the labeling, approximately 14 percent of dialysis facilities in this country have developed procedures to cleanse and reuse (for the same patient) the bloodlines.

The Public Health Service (PHS) has reviewed available evidence concerning dialysis performed with new and reused bloodlines. It determined that where bloodlines were properly cleansed and processed for reuse, there is sufficient experience to indicate that the reuse of bloodlines does not represent an imminent public health hazard. The evidence available to PHS was information from an FDA study and the agency's reporting system for adverse device events, reports of limited clinical studies conducted by directors of dialysis facilities, and ongoing facility surveys by the Centers for Disease Control (CDC).

The PHS, working with HCFA, designed a survey instrument to obtain information about the nature and extent of problems connected specifically with reuse of bloodlines. Based on that survey, the PHS found that reuse of bloodlines was not associated with any increased risk of hepatitis B virus (HBV) infection in either patients or staff or with the incidence of pyrogenic reactions or septicemia. Additional data reviewed by PHS included a study conducted by National Medical Care (NMC), a major provider of dialysis therapy and reuser of bloodlines and a study by Dr. David Ogden, a nephrologist and dialysis center director. (See *Dialysis and Transplantation*, Vol. 13, Number 6, June 1984, p. 366ff)

Data obtained since 1985 by NMC and provided to PHS indicated that their arterial bloodline reuse program started with approximately 250 patients in early 1983 and grew to involve about 12,000 patients annually. This usage correlates to approximately 2 million treatments per year. Based on these data, NMC found there is no statistical difference in patient complication rates between ESRD centers that reuse bloodlines and those ESRD centers that do not. The NMC study also cited no adverse incidents among staff members who were associated with bloodline reuse.

The study of Dr. Ogden indicated that facilities in Arizona under his direction reused both arterial and venous bloodlines. Based on approximately

170,000 dialysis treatments, only one instance of a problem was reported, and that occurred not during the performance of the dialysis procedure itself but during part of the reprocessing procedure.

Neither Dr. Ogden's nor National Medical Care's studies detected any detrimental clinical consequences associated with reusing bloodlines.

A study conducted by the Centers for Disease Control, "National Surveillance of Dialysis—Associated Hepatitis and Other Diseases in the United States," during 1986 showed that 14 percent of centers approved by HCFA reported reusing arterial bloodlines. The study also showed that there was no association between the reuse of bloodlines and any increased risk of hepatitis B virus (HBV) infection in either patients or staff members and no association between the reuse of bloodlines and the occurrence of pyrogenic reactions or septicemia in patients.

## II. Developing Reuse Protocols

The FDA, under authority granted by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. *et seq*) and its prescription device regulations at 21 CFR 801.109 requires manufacturers to label their products with information necessary to ensure that medical practitioners are provided with adequate information to use or reuse a medical device safely. Bloodlines are considered medical devices and thus are subject to FDA regulation under authority of the Medical Device Amendments of 1976.

In December 1986 the Director of FDA's Center for Devices & Radiological Health sent a letter to all domestic and foreign manufacturers of dialyzers and bloodlines. The letter urged manufacturers to reassess the single use labeling and to consider providing product-specific information and precautionary statements relevant to reprocessing and reuse. This action was taken in the belief that the majority of manufacturers to whom the letter was directed are aware that their devices are being reused.

In response to this request the FDA received a request from a major bloodline manufacturer to substitute the statement "sterility guaranteed for the first use only" for the statement "for single use only". Because, FDA's prescription device regulation authorizes the agency to require manufacturers to label their products with information necessary to ensure their safe use, and in this case, reuse, FDA requested the manufacturer to submit a reuse protocol.

Upon receipt of a proposed protocol, the FDA will decide whether or not to accept the protocol and to find the device substantially equivalent, thereby allowing it to be lawfully marketed. To reach a decision to accept the labeling change and reuse protocol, FDA has decided to use the premarket notification procedures of section 510(k) of the Federal Food, Drug, and Cosmetic Act (FFDCA 21 U.S.C. 360(k)), which allows devices to be accepted for marketing based on a finding of "substantial equivalence" to a previously-marketed device. Under this procedure, the manufacturer must demonstrate comparable safety and effectiveness of the relabeled device, which may include the submission of clinical data, to substantiate that the relabeled bloodline can be used as safely and effectively as the device to which it is being compared, i.e., the single use bloodline.

## III. Effect of FDA Action

Under section 1862 of the Social Security Act (the Act), only items and services that are reasonable and necessary for the patient's treatment are covered. Under section 1881(f)(7)(B) of the Act, dialysis facilities are prohibited from reusing bloodlines on or after July 1, 1988, unless the Secretary has established protocols for their reuse and the facility abides by their protocols. We believe the prohibition reflects Congress concern that certain practices involved in furnishing hemodialysis services were not subject to the same degree of quality safeguards as are applied to other services under Medicare rules. (H. Rep. No. 1012, 99th Cong., 2d Sess. 337-341 (1986)). We believe that a substantial equivalence finding by the FDA regarding bloodlines, provided that accompanying protocols for reprocessing and reuse meet the requirements specified in the agency's prescription device regulation, will fully satisfy these Congressional concerns. Therefore, we intend to adopt for this proposed regulation the protocols FDA accepts via the 510(k) process. Thus, reuse of bloodlines without an accepted protocol, i.e., those presently labeled "for single use only" will be prohibited on or after July 1, 1988.

The FDA will review all relabeling applications and accompanying reuse protocols for acceptability. We are proposing that the manufacturers' reprocessing protocols, upon review and acceptance by FDA, be adopted and enforced where a facility has elected to reuse bloodlines. This reliance on an accepted reuse protocol is somewhat



comparable to our requirement regarding the reuse of hemodialyzers.

#### IV. Provisions of the Proposed Regulations

In 42 CFR Part 405, Subpart U, "Conditions for Coverage of Suppliers of End-Stage Renal Disease (ESRD) Services," we describe the health and safety requirements that facilities furnishing ESRD care to beneficiaries must meet.

In the final rule, "Standards for Reuse of Hemodialyzer Filters and Other Dialysis Supplies," 52 FR 36926, we amended Subpart U by adding a new § 405.2150, "Condition: Reuse of hemodialyzers and other dialysis supplies." In this section we established a protocol for the reuse of hemodialyzers and addressed reuse requirements for transducer filters, dialyzer cap, and other dialysis supplies.

We propose to amend § 405.2150 by adding a new paragraph (d) that contains a standard for reuse of bloodlines. This paragraph would require that, if a ESRD facility reuses bloodlines, it must reuse only appropriately labeled bloodlines, for which a manufacturer's protocol for reuse has been accepted by the FDA. It further states that the facility must follow the FDA-accepted manufacturer's prescribed protocol for reuse of the particular bloodline. Thus, if the FDA accepts the manufacturer's protocol for reuse, the manufacturer's protocol for reuse of the bloodline will become the Secretary's protocol for that particular bloodline under section 1881(f)(7). HCFA will announce through appropriate instructions acceptance of any protocols by FDA.

Section 1881(f)(7)(C) of the Act, added by section 9335(k) of OBRA '86 provides that failure of a facility to comply with reuse protocols established by the Secretary is grounds for us to terminate the facility from participation in the Medicare program and to deny payment for the dialysis treatment affected. We believe it is important to clarify in regulations that a facility that improperly reuses any of the items listed in § 405.2150 is subject to these consequences. Therefore we are revising the introductory statement of § 405.2150 to incorporate the statute's requirements.

#### V. Regulatory Impact Statement

##### A. Executive Order 12291 and Regulatory Flexibility Act

Executive Order 12291 (E.O. 12291) requires us to prepare and publish an initial regulatory impact analysis for any proposed regulation that meets one of

the E.O. criteria for a "major rule"; that is, that would be likely to result in: An annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or, significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In addition, we generally prepare an initial regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless the Secretary certifies that a proposed regulation would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we treat all ESRD facilities and manufacturers whose production is exclusively devoted to the manufacture of bloodlines and who meet the Small Business Administration guidelines for a small business as small entities.

Because of the potential controversial nature of this regulation, the number of comments expected on the subject, and an anticipated effect on small entities, we are providing the following voluntary regulatory impact and regulatory flexibility analyses.

Under the specific provisions of section 1881(f)(7) of the Act, reuse of dialysis bloodlines is prohibited, effective July 1, 1988, except when performed in accordance with protocols established by the Secretary. This regulation would make it possible for facilities to begin reusing bloodlines as soon as FDA accepts a protocol for bloodline reuse. Beginning July 1, 1988, facilities reusing bloodlines not covered by such a protocol may choose to switch to the covered bloodlines if a protocol has been approved, stop reuse, or face non-payment of services and termination from Medicare.

The decision to continue or discontinue bloodline reuse is an operational decision by the facility. We do not have data available to estimate the costs or savings to the facility or to determine the number of facilities that would be affected. Although it is possible that additional facilities may begin the practice of reusing bloodlines, we have no data to support a conclusion that there would be a significant increase in the number of facilities choosing to reuse bloodlines.

Because of the fact that Medicare payments for dialysis services are paid on the basis of a pre-established composite rate that does not vary among

facilities based on specific costs of their supplies, we anticipate no short-term effects on Medicare reimbursement whether or not all or none of the facilities reuse bloodlines. Any long-term effects may occur only to the extent that overall costs of the supply component of all dialysis facilities either increase or decrease.

Available information obtained from the FDA indicates that reuse of bloodlines occurs with far less frequency than dialyzer reuse, and is practiced primarily by facilities associated with a large chain organization affiliated with a dialysis equipment manufacturer.

We are unaware of any small manufacturers whose business is devoted exclusively to dialysis bloodlines. Rather, we believe that bloodlines are manufactured by companies with diverse product lines related either to blood transport or to the dialysis procedure. We do not have data that indicate the relative market share of the major manufacturers of bloodlines or the extent to which their business would be affected if either all reuse ceases or if all facilities were to begin the practice.

We expect that some manufacturers will seek to develop reuse protocols and obtain FDA acceptance of them. These manufacturers will have concluded that the costs associated with obtaining FDA's acceptance will be recouped either through increased market share or through increased charges. They will have concluded that they will benefit more from marketing items that will be reused than from marketing items that will be discarded after a single use. At the present time, only one manufacturer has indicated its intention to secure FDA acceptance of its reuse protocol.

Since this proposed regulation would permit reuse of bloodlines with a manufacturer's acceptable protocol, any manufacturer whose reuse protocol is accepted may be advantaged for a short time. However, any advantage would disappear as soon as any other manufacturer's reuse protocol receives a similar acceptance by FDA or the Department revises the regulations concerning required protocols.

##### B. Small Rural Hospitals

Section 1102(b) of the Social Security Act requires the Secretary to prepare a regulatory impact analysis for any proposed rule that may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 603 of the RFA. For purposes of section



1102(b) of the Act, we define a small rural hospital as a hospital with fewer than 50 beds located outside a metropolitan statistical area.

We have determined, and the Secretary certifies, that this proposed rule would not have a significant economic impact on a substantial number of rural hospitals.

#### C. Paperwork Reduction Act of 1980

This proposed change does not impose information collection requirements; consequently, it need not be reviewed by the Executive Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### VI. Response to Comments

Because of the large number of comments we receive on proposed regulations, we cannot acknowledge or respond to them individually. However, in preparing the final rule we will consider all comments and respond to them in the preamble of that rule.

#### List of Subjects in 42 CFR Part 405

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Nursing homes, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 405, Subpart U, would be amended as set forth below:

#### PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

##### Subpart U—Conditions for Coverage of Suppliers of End-Stage Renal Disease (ESRD) Services

1. The authority citation for Part 405, Subpart U, continues to read as follows:

**Authority:** Secs. 1102, 1861, 1862(a), 1871, 1874, and 1881 of the Social Security Act (42 U.S.C. 1302, 1395x, 1395y(a), 1395hh, 1395kk, and 1395rr), unless otherwise noted.

2. Section 405.2150 is amended by revising the introductory paragraph and by adding a new paragraph (d) to read as follows:

##### § 405.2150 Condition: Reuse of hemodialyzers and other dialysis supplies.

An ESRD facility that reuses hemodialyzers and other dialysis supplies meets the requirements of this section. Failure to meet any of standards in paragraphs (a) through (d) of this section constitutes grounds for denial of payment for the dialysis treatment affected and termination from participation in the Medicare program.

(d) *Standard: Bloodlines.* If the ESRD facility reuses bloodlines, it must—

(1) Not use a bloodline labeled "for single use only".

(2) Reuse only a bloodline for which the manufacturer's protocol for reuse has been accepted by the Food and Drug Administration (FDA); and

(3) Follow the FDA-accepted manufacturer's protocol for reuse of that bloodline.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance; and Program No. 13.774, Medicare-Supplementary Medical Insurance Program)

Dated: May 4, 1988.

**William L. Roper,**  
Administrator, Health Care Financing  
Administration.

Approved: June 15, 1988.

**Otis R. Bowen,**  
Secretary.

[FR Doc. 88-16924 Filed 7-26-88; 8:45 am  
BILLING CODE 4120-01-M]

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[MM Docket No. 88-199, RM-6306]

##### Radio Broadcasting Services; Fairbury, NE

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; correction.

**SUMMARY:** On May 25, 1988, the Commission released a Notice of Proposed Rule Making (published June 1, 1988, 53 FR 19965) proposing to substitute Channel 257C1 for Channel 257A at Fairbury, Nebraska and the modification of Siebert Communications, Inc.'s license for Station KUTT(FM) to specify the higher powered channel. However, the table in paragraph 3 (this material was not published in the *Federal Register*) inadvertently listed the new channel as a Class B1 instead of the correct Class C1. Therefore, the table in paragraph 3 has been corrected.

**DATES:** Comments must be filed on or before July 15, 1988, and reply comments on or before August 1, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Rick Siebert, President, Siebert Communications, 414 Fourth Street, Fairbury, Nebraska 68352 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Erratum to the Notice of Proposed Rule Making, MM Docket No. 88-199, adopted April 18, 1988, and released May 25, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

##### List of Subjects in 47 CFR Part 73:

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division,  
Mass Media Bureau.

[FR Doc. 88-16655 Filed 7-26-88; 8:45 am]

BILLING CODE 6712-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Office of the Secretary

##### 49 CFR Part 24

RIN 2125-AB85

##### Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs; Public Meetings

**AGENCY:** Federally Highway Administration (FHWA), DOT.

**ACTION:** Notice of public meetings.

**SUMMARY:** The FHWA announces three public meetings to solicit comments from State and local governments and the public on its proposed rule (NPRM) to implement amendments to the Uniform Relocation Assistance and Real



Property Acquisition Policies Act of 1970 (the Uniform Act) made by the Uniform Relocation Act Amendments of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (1987 Amendments). (See 53 FR 27598, July 21, 1988, Docket No. 87-22). The Uniform Act, as amended, applies to all Federal and federally-assisted activities that involve the acquisition of real property or the displacement of persons. Consequently, it affects a wide variety of Federal and federally funded projects. The FHWA's NPRM is the latest in a series of actions that have been taken to insure that Federal agencies administer the Uniform Act in as uniform and consistent a manner as possible while encouraging State and local discretion in implementing the Uniform Act's provisions.

**DATE:** See **SUPPLEMENTARY INFORMATION.**

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION.**

**FOR FURTHER INFORMATION CONTACT:**

Robert J. Moore, Chief, Policy Development, Office of Right-of-Way, HRWD-11, (202) 366-0116; or Reid Alsop, Office of the Chief Counsel, HCC-40, (202) 366-1371. The address is Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** A few provisions of the 1987 Amendments which are explicit, and for which a period of public notice and comment would have been impractical, were implemented in an interim final rule in 49 CFR Part 24 on December 17, 1987 (52 FR 47994) and referenced by all but one of the affected Federal agencies (52 FR 48015) on December 17, 1987. That one agency subsequently referenced Part 24 (53 FR 4964) on February 19, 1988. These agencies are as follows:

Department of Agriculture  
7 CFR Part 21

Department of Commerce  
15 CFR Part 11  
Department of Defense  
32 CFR Part 259  
Department of Education  
34 CFR Part 15  
Department of Housing and Urban Development  
24 CFR Part 42  
Department of the Interior  
41 CFR Part 114-50  
Department of Justice  
41 CFR Part 128-18  
Department of Labor  
29 CFR Part 12  
Department of Energy  
10 CFR Part 1039  
Environmental Protection Agency  
40 CFR Part 4  
Federal Emergency Management Agency  
44 CFR Part 25  
General Services Administration  
41 CFR Part 105-51  
Department of Health and Human Services  
45 CFR Part 15  
National Aeronautics and Space Administration  
14 CFR Part 1208  
Pennsylvania Avenue Development Corporation  
36 CFR Part 904  
Tennessee Valley Authority  
18 CFR Part 1306  
Department of Transportation  
49 CFR Part 24  
Veterans Administration  
38 CFR Part 25

In addition, the United States Postal Service issued a final rule in 39 CFR Part 777 on December 17, 1987 (52 FR 48029) to amend the Postal Service's regulations to make them consistent with the 1987 Amendments.

The NPRM, if promulgated, would implement all of the remaining provisions of the 1987 Amendments by amending the existing interim final rule.

The public meetings described below are intended to solicit the views and comments of interested persons on the changes proposed in the NPRM. For the easy reference of the reader, Part 24 as proposed to be revised is printed in its entirety at 53 FR 27598 issued on July 21, 1988 in order to present a full text regulation. All information received will be considered in developing the final rule.

The public meetings will be held from 10:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. local time on the following dates at the following locations:

- August 17, 1988—Philadelphia, Pennsylvania—Federal Reserve Bank Building (Auditorium), 6th and Arch Streets (use 6th Street Entrance);
- August 22, 1988—Portland, Oregon—Portland Building (Auditorium, 2nd floor), 1120 SW. 5th Avenue;
- August 24, 1988—Chicago, Illinois—Everett McKinley Dirksen Building, Room 204A, 219 South Dearborn Street.

Speakers are invited to make brief presentations of no more than 10 minutes and will be scheduled based on the order of pre-registration and registration at the door. Written comments may also be submitted. Persons wishing to reserve presentation time or seating should contact Ms. Barbara J. Satorius, Realty Specialist, Policy Development Branch, HRW-11, (202) 366-0116, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, at least 10 days in advance of the meeting they wish to attend.

Issued on: July 22, 1988.

Robert E. Farris,

Federal Highway Administrator.

[FR Doc. 88-16933 Filed 7-26-88; 8:45 am]

BILLING CODE 4910-22-M



# Notices

Federal Register

Vol. 53, No. 144

Wednesday, July 27, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### Amendment of Import Quotas on Sugar for 1988 Quota Period

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice increases the import quota on sugar for the period January 1, 1988 through December 31, 1988 from 708,280 short tons, raw value to 1,013,875 short tons, raw value.

**EFFECTIVE DATE:** July 27, 1988.

**FOR FURTHER INFORMATION CONTACT:** John Nuttall, Foreign Agricultural Service, Department of Agriculture, Washington, DC 20250, Telephone: (202) 447-2916.

**SUPPLEMENTARY INFORMATION:** Presidential Proclamation No. 4941 of May 5, 1982 (47 FR 19661) amended Headnote 3 of Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (TSUS) to establish a system of import quotas for foreign sugar coming into the United States. On December 15, 1987, under the terms of Headnote 3, the Secretary of Agriculture established a quota period of January 1, 1988-December 31, 1988 and a quota amount of 708,280 short tons, raw value (52 FR 48136).

Presidential Proclamation No. 4941 also permits the Secretary of Agriculture, after appropriate consultations with the U.S. Trade Representative and the Department of State, to amend the quantitative limitations established under Headnote 3 if he determines that such amendments are appropriate to give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade. This notice announces the Secretary of Agriculture's determination, after the

appropriate consultations, that the sugar import quota for the quota period January 1, 1988 through December 31, 1988 is increased by 305,595 short tons, raw value, from 708,280 short tons, raw value to 1,013,875 short tons, raw value. It has also been determined that this increase gives due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

#### Notice

Notice is hereby given that, in accordance with the requirements of Headnote 3, Subpart A, Part 10, Schedule 1 of the TSUS, I have determined that up to 1,013,875 short tons, raw value, of sugar described in items 155.20 and 155.30 of the TSUS may be entered or withdrawn from warehouse for consumption during the period January 1, 1988 through December 31, 1988. Of the 1,013,875 short tons, raw value, 2,000 short tons, raw value, are reserved for specialty sugars from countries listed in paragraph (c)(ii) of Headnote 3 and 36,875 short tons, raw value, are reserved as a quota adjustment amount allocated in accordance with paragraph (c)(v) of Headnote 3.

I have also determined that this quota amount (1,013,875 short tons, raw value) and quota period give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

In conformity with the above, paragraph (a)(i) of Headnote 3, Subpart A, Part 10, Schedule 1 of the TSUS is modified to read as follows:

3. (a)(i) The total amount of sugars, sirups and molasses described in items 155.20 and 155.30, the products of all foreign countries entered, or withdrawn from warehouse for consumption, during the period January 1, 1988 through December 31, 1988 shall not exceed in the aggregate 1,013,875 short tons, raw value. Of this amount, the total amount permitted to be imported for purposes of paragraph (c)(i) of this headnote (the total base quota amount) shall be 975,000 short tons, raw value; 2,000 short tons, raw value, may only be used for the importation of "specialty sugars," as defined by the United States Trade Representative in accordance with paragraph (c)(ii) of this headnote; and the remaining 36,875 short tons, raw value, may only be imported for the purposes

specified in paragraph (c)(v) of this headnote (the quota adjustment amount).

Signed at Washington, DC, on July 22, 1988.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 88-16934 Filed 7-25-88; 8:45 am]

BILLING CODE 3410-10-M

## Commodity Credit Corporation

### Final Determinations Regarding Support Prices For Pulled Wool and Mohair For the 1988 Marketing Year

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Notice of final determinations.

**SUMMARY:** This notice affirms the final determinations concerning the price support levels for wool and mohair for the 1988 marketing year. These determinations are required to be made pursuant to the National Wool Act of 1954 (the "Wool Act"), as amended.

**EFFECTIVE DATE:** May 13, 1988.

**ADDRESS:** Acting Director, Commodity Analysis Division, USDA-ASCS, Room 3741, South Building, P.O. Box 2415, Washington, DC 20013.

**FOR FURTHER INFORMATION CONTACT:** Janise A. Zygmunt, Agricultural Economist, Commodity Analysis Division, ASCS, USDA, Room 3760, South Building, P.O. Box 2415, Washington, DC 20013 or call (202) 475-4645. The Final Regulatory Impact Analysis has been prepared and is available on request from the above-named individual.

**SUPPLEMENTARY INFORMATION:** This notice has been reviewed under USDA procedures implementing Executive Order 12291 and Departmental Regulation No. 1512-1 and has been designated as "not major." It has been determined that these final determinations will not result in: (1) An annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.



It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that the Commodity Credit Corporation (CCC) publish a notice of proposed rulemaking in accordance with 5 U.S.C. 553 or any other provision of law with respect to the subject matter of this notice.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

The title and number of the Federal assistance program to which this notice applies are: National Wool Act Payments, 10.059, as found in the Catalog of Federal Domestic Assistance.

Section 703(a) of the National Wool Act of 1954, as amended ("Wool Act"), provides that the Secretary of Agriculture shall support the prices of wool and mohair to producers by means of loans, purchases, payments, or other operations. The Secretary has determined that the prices of wool and mohair be supported for the 1986 to 1990 marketing years by means of payments to producers (51 FR 28852, August 12, 1986).

Section 703(b) of the Wool Act provides that the level of support for shorn wool for each of the marketing years 1982 through 1987 and marketing year 1990 shall be 77.5 percent and, for marketing years 1988 and 1989, 76.4 percent of an amount which is determined by multiplying 62 cents (the support price in 1965) by the ratio of: (1) The average parity index (the index of prices paid by farmers, including commodities and services, interest, taxes, and farm wage rates) for the three calendar years immediately preceding the calendar year in which such support price is being determined and announced to (2) the average parity index for the three calendar years 1958, 1959, and 1960, rounding the result to the nearest full cent.

Section 703(c) of the Wool Act provides that the support prices for pulled wool and for mohair shall be established at such levels, in relationship to the support price for shorn wool, as the Secretary of Agriculture determines will maintain normal marketing practices for pulled wool and as the Secretary determines is

necessary to maintain approximately the same percentage of parity for mohair as for shorn wool. Section 703(c) further provides that the support price for mohair must be within a range of 15 percent above or below the comparable percentage of parity at which shorn wool is supported.

On February 29, 1988, a notice of proposed determinations was published at 53 FR 6018, requesting comments concerning the method of calculating the price support levels for pulled wool and for mohair for the 1988 marketing year. The notice also indicated that the 1988 shorn wool support price (grease basis) would be \$1.78 per pound.

#### Discussion of Comments

A total of eighty-six comments were received. Three of the comments concerned pulled wool. Two endorsed the current formula and one recommended that the 80% adjustment factor be eliminated. This recommendation has not been adopted. Section 703(c) of the Wool Act provides that the support price for pulled wool shall be established at such a level in relationship to the support price for shorn wool as the Secretary determines will maintain normal marketing practices for pulled wool. It has been determined that the 80% adjustment provides equitable support for pulled wool relative to shorn wool and helps maintain normal marketing practices for pulled wool.

With regard to mohair, seventy-eight respondents recommended that mohair be supported at 100 percent of the percentage of parity at which shorn wool is supported. Five recommended that mohair be supported at 115 percent of the percentage of parity at which shorn wool is supported. These comments on the proposed determinations were not adopted. It has been determined that mohair should be supported at a level of 85 percent of the percentage of parity at which shorn wool is supported. No additional incentives for the production of mohair are necessary. Even with mohair supported at 85 percent of the percentage of parity at which wool is supported, the 1988 mohair support price would be the fourth highest since the program began. In addition, current estimates indicated that at this minimum level of support, producers would receive nearly 51 percent of their income from mohair in the form of Government payments. To support mohair at a higher level would be inconsistent with recent Government efforts to increase reliance by all agricultural sectors on the free market.

After taking the foregoing comments into consideration, and in order to

implement the statutory requirement that the Secretary shall support the prices of wool and mohair for the 1986 through 1990 marketing years, the following determinations have been made with respect to the wool and mohair price support programs for the 1988 marketing year. The determinations affirm 1988 support prices of \$1.78 per pound for wool and \$4.69 per pound for mohair as announced by the Secretary of Agriculture in a press release issued on May 13, 1988. The pulled wool support rate will continue to be calculated as it has been in previous years.

#### Final Determinations

##### A. Support Price—Shorn Wool

The average parity index for the 3-year period 1984–1986 is 1,116.3. The average parity index for the 3-year base period of 1958–1960 is 297.3. The ratio of these indices is 3.7548. The result of multiplying 3.7548 by the 1965 support price of \$0.62 per pound is \$2.3280. Applying the formula indicated in section 703(b) of the Wool Act, 76.4 percent of \$2.3280 is \$1.78, when rounded to the nearest full cent.

##### B. Support Price—Pulled Wool

The support price for pulled wool for the 1988 marketing year cannot be determined until the 1988 average market price for shorn wool is determined, which should occur by April 1989. The method for calculating the support price for pulled wool shall be as follows:

Once the 1988 average market price for shorn wool is determined, the support price for pulled wool will be determined by taking 80 percent of the difference between the 1988 support price for shorn wool and the 1988 average market price for shorn wool multiplied by 5 pounds (the amount of wool pulled from the pelt of an average 100-pound unshorn lamb).

##### C. Support Price—Mohair

The support price for mohair for the 1988 marketing year shall be 85 percent of the percentage of parity at which shorn wool is supported, or \$4.69 per pound. The calculation is as follows:

The October 1987 parity prices for shorn wool and for mohair are \$2.67 and \$8.28 per pound, respectively. The support price for shorn wool for the 1988 marketing year as calculated in accordance with the formula set forth in section 703(b) of the Wool Act is \$1.78 per pound or 66.7 percent of the October 1987 parity price for shorn wool. The price support level for mohair for the 1988 marketing year is equal to 85



percent of 66.7 percent (the percentage of parity at which shorn wool is supported), which is equal to 56.7 percent. Accordingly, 56.7 percent of the October 1987 parity for mohair of \$8.28 per pound results in a support price for mohair for the 1988 marketing year of \$4.69 per pound.

**Authority:** Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 702-708, 68 Stat. 910-912, as amended (7 U.S.C. 1781-1787).

Signed at Washington, DC, on July 20, 1988.

**Ralph D. Klopfenstein,**

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 88-16904 Filed 7-26-88; 8:45 am]

BILLING CODE 3410-05-M

### Cooperative State Research Service

Science and Education Competitive Research Grants Office Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Cooperative State Research Service announces the following meeting.

**Name:** Science and Education Competitive Research Grants Office, Advisory Committee, Research Grants Program

**Date:** September 30, 1988

**Time:** 9:00 a.m. to 5:00 p.m.

**Place:** U.S. Department of Agriculture, Room 104-A, Administration Building, 14th and Independence Avenue, SW., Washington, DC 20250.

**Type of meeting:** Open to the public. Persons may participate in the meeting as the time and space permit.

**Comments:** The public may file written comments before or after the meeting with the contact person listed below.

**Purpose:** To advise the Secretary of Agriculture with respect to the research to be supported, priorities to be adopted and emphasized, and the procedures to be followed in implementing those programs of research grants to be awarded competitively.

### CONTACT PERSON FOR AGENDA AND MORE INFORMATION:

**Dr. William D. Carlson,** Acting Associate Administrator, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 324-A Administration Building, Washington, DC 20250, Telephone 202-475-5720.

Done at Washington, DC this 8th day of July, 1988.

**John Patrick Jordan,**

*Administrator, Cooperative State Research Service.*

[FR Doc. 88-16938 Filed 7-26-88; 8:45 am]

BILLING CODE 3410-22-M

### COMMISSION ON CIVIL RIGHTS

#### Montana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will convene at 10:00 a.m. and adjourn at 2:00 a.m., on August 20, 1988, at the Colonial Inn, 2301 Colonial Drive, Helena, Montana 59601. The purpose of the meeting is to plan activities and programming for the coming year.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Betty Babcock or Philip Montez, Director of the Western Regional Division (213) 894-3437, (TDD 213/894-0508). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, July 20, 1988.

**Susan J. Prado,**

*Acting Staff Director.*

[FR Doc. 88-16909 Filed 7-26-88; 8:45 am]

BILLING CODE 6335-01-M

### DEPARTMENT OF COMMERCE

#### Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Agency:** Bureau of the Census

**Title:** Current Population Survey—November 1988 Voting and Registration Supplement

**Form Numbers:** Agency—CPS-1 and CPS-260; OMB—NA

**Type of Request:** New collection

**Burden:** 57,500 respondents; 986 reporting hours

**Average Time Per Response:** 1 minute

**Needs and Uses:** This survey is a continuing biennial collection of data on voter and nonvoter characteristics and on current voter trends. For the first time it will collect data for Asian and Pacific Islander subgroups because the 1980 decennial census shows that there are significant differences among the subgroups.

Current data on the size and socioeconomic characteristics of these subgroups will enable policymakers to plan and implement programs needed for specific subgroups. This information will be used by Federal, state, and local election officials, political party committees, and other private organizations to relate demographic characteristics to voting and nonvoting behavior.

**Affected Public:** Individuals or households

**Frequency:** Biennially

**Respondent's Obligation:** Voluntary

**OMB Desk Officer:** Francine Picoult, 395-7340

**Agency:** Bureau of the Census

**Title:** Annual Wholesale Trade Survey

**Form Numbers:** Agency—B-450 and B-451; OMB—0607-0195

**Type of Request:** Revision of a currently approved collection

**Burden:** 4,800 respondents; 1,440 reporting hours

**Average Time Per Response:** 18 minutes

**Needs and Uses:** This survey collects data that is necessary for more accurate personal consumption estimates and inventory adjustments. The information is used by Census as a benchmark for the sales and inventory estimates in the monthly wholesale trade survey, by BEA in GNP calculations, and by other government agencies and businesses to gauge the current trends of the economy. Also, BLS is developing a price index of wholesale trade using these data.

**Affected Public:** Businesses or other for-profit institutions

**Frequency:** Annually

**Respondent's Obligation:** Mandatory

**OMB Desk Officer:** Francine Picoult, 395-7340

**Agency:** Bureau of the Census

**Title:** 1988 Annual Survey of Manufactures

**Form Numbers:** Agency—MA-1000(MU), MA-1000(B), and MA-1000(S); OMB—0607-0464

**Type of Request:** Reinstatement of a previously approved collection

**Burden:** 81,000 respondents; 205,900 reporting hours

**Average Time Per Response:** 3.6 hours for long form; 2.1 hours for short form

**Needs and Uses:** This survey is used to provide key measures on manufacturing activity during intercensal periods. The results are used as a benchmark for other Federal Statistical programs, including the Federal Reserve Board's "Index of Industrial Production," the Bureau of



Economic Analysis estimates of the gross national product, and Commerce's annual publication, "Industrial Outlook."

**Affected Public:** Businesses or other for-profit institutions

**Frequency:** Annually

**Respondent's Obligation:** Mandatory

**OMB Desk Officer:** Francine Picoult, 395-7340

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230

Written comments and recommendations for the proposed information collections should be sent to Francine Picoult, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20530.

Dated: July 21, 1988.

**Edward Michals,**

*Departmental Clearance Officer, Office of Management and Organization.*

[FR Doc. 88-16874 Filed 7-26-88; 8:45 am]

BILLING CODE 3510-07-M

#### Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Agency:** Bureau of the Census

**Title:** 1987 Survey of Minority-Owned Business Enterprises; 1987 Survey of Women-Owned Business Enterprises

**Form Numbers:** Agency—MB-1 and MB-2; OMB—NA

**Type of Request:** New collection

**Burden:** 435,000 respondents; 72,500 reporting hours

**Average Time Per Response:** 10 minutes

**Needs and Uses:** This survey is the only source of information on the number of minority- and women-owned businesses. The data are needed to evaluate the extent and growth of business ownership by minorities and women. MBDA, SBA, local governments, minority and women business associations, university researchers, and the media use the data to provide a framework for assessing their programs designed to promote the business activities of minorities and women.

**Affected Public:** Businesses or other for-

profit institutions and small businesses or organizations

**Frequency:** Quinquennially

**Respondent's Obligation:** Mandatory

**OMB Desk Officer:** Francine Picoult, 395-7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3208 New Executive Office Building, Washington, DC 20530.

Dated: July 21, 1988.

**Edward Michals,**

*Departmental Clearance Officer, Office of Management and Organization.*

[FR Doc. 88-16875 Filed 7-26-88; 8:45 am]

BILLING CODE 3510-07-M

#### Minority Business Development Agency

##### Business Development Center Applications; Richmond, VA

July 20, 1988.

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first 12 months is estimated at \$194,118 for the project performance of December 1, 1988 to November 30, 1989. The MBDC will operate in the Richmond, Virginia, Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$165,000 in Federal funds and a minimum of \$29,118 in non-Federal funds (which can be a combination of cash, in-kind contributions and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and

operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

**Closing Date:** The closing date for applications is August 31, 1988. Applications must be postmarked on or before August 31, 1988.

**ADDRESS:** Washington Regional Office, Minority Business Development Agency, U.S. Department of Commerce, Room 6723, Washington, DC 20230, 202/377-8275.

**FOR FURTHER INFORMATION CONTACT:** Willie J. Williams, Regional Director, Washington Regional Office.

**SUPPLEMENTARY INFORMATION:** Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11,800 Minority Business Development Catalog of Federal Domestic Assistance)

Date: July 20, 1988.

**Willie J. Williams,**

*Regional Director, Washington Regional Office.*

[FR Doc 88-16862, Filed 7-26-88; 8:45 am]

BILLING CODE 3510-21-M



# COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

## Adjustment of an Import Limit for Certain Man-Made Fiber Textile Products Produced or Manufactured in Bangladesh

July 22, 1988.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs reducing a limit.

**EFFECTIVE DATE:** July 29, 1988.

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

**FOR FURTHER INFORMATION CONTACT:** Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, call (202) 377-3715.

**SUPPLEMENTARY INFORMATION:** The current limit for Categories 647/648 is being reduced for carryforward used during the previous agreement period.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see Federal Register notice 52 FR 47745, published on December 16, 1987). Also see 53 FR 752, published on January 12, 1988.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee For The Implementation Of Textile Agreements

July 22, 1988

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on January 7, 1988 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports of certain cotton and man-made fiber textile products, produced or manufactured in Bangladesh and exported during the period

which began on February 1, 1988 and extends through January 31, 1989.

Effective on July 29, 1988, the directive of January 7, 1988 is hereby amended to reduce to 636,000 dozen <sup>1</sup> the current limit for Categories 647/648, as provided under the terms of the current bilateral agreement between the Governments of the United States and Bangladesh.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-16916 Filed 7-26-88; 8:45 am]

BILLING CODE 3510-DR-M

## Amendment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Singapore

July 22, 1988.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs increasing limits.

**EFFECTIVE DATE:** July 29, 1988.

Authority: Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

**FOR FURTHER INFORMATION CONTACT:**

Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 535-6736. For information on embargoes and quota re-openings, call (202) 377-3715.

**SUPPLEMENTARY INFORMATION:** At the request of the Government of the Republic of Singapore, the current designated consultation levels are being increased for categories 359 and 659-0.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see Federal Register notice 52 FR 47745, published on December 16, 1987). Also see 52 FR 49188, published on December 30, 1987.

The letter to the Commissioner of Customs and the actions taken pursuant

<sup>1</sup> The limit has not been adjusted to account for any imports exported after January 31, 1988.

to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

July 22, 1988

Commissioner of Customs,

Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 24, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the period which began on January 1, 1988 and extends through December 31, 1988.

Effective on July 29, 1988, the directive of December 24, 1987 is being amended to increase the limits for cotton and man-made fiber textile products in the following categories:

Category	Amended 12-month limit <sup>1</sup> (pounds)
359	470,000
659-0 <sup>2</sup>	400,000

<sup>1</sup> The limits have not been adjusted to account for imports exported after December 31, 1987.

<sup>2</sup> In Category 659-0, all TSUSA numbers except 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353 in Category 659-S; and 381.2836, 381.3332, 381.9224, 381.9837, 384.2250, 384.2251, 384.2663, 384.2664, 384.8677, 384.9472 and 384.9473 in Category 659-V.

The Committee for the implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-16917 Filed 7-26-88; 8:45 am]

BILLING CODE 3510-DR-M

## COMMODITY FUTURES TRADING COMMISSION

### Chicago Mercantile Exchange Proposed Option Contracts

**AGENCY:** Commodity Futures Trading Commission.



**ACTION:** Notice of availability of the terms and conditions of proposed community option contracts.

**SUMMARY:** The Chicago Mercantile Exchange ("CME" or "Exchange") has applied for designation as a contract market in options on physical British pounds sterling. The CME also has applied for designation as a contract market in options on the CME's pending Nikkei Stock Average futures contract. For the proposed Nikkei Stock Average futures option, the application also contains a petition for an exemption from the volume requirement for the underlying futures contract specified in the Commission's rules. The Director of the Division of Economic Analysis ("Division") of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATES:** Comments must be received on or before August 26, 1988, for the Nikkei Stock Average futures option and September 12, 1988, for the option on physical British pounds sterling.

**ADDRESS:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the CME Nikkei Stock Average futures option contract or to the CME option contract on physical British pounds sterling.

**FOR FURTHER INFORMATION CONTACT:** Richard Shilts, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 (202) 254-7303.

**SUPPLEMENTARY INFORMATION:** In addition to requesting comment on the terms and conditions of the proposed option contracts, the Division also is requesting comment on the merits of a petition filed by the CME pursuant to § 33.11 of the Commission's rules with respect to the Nikkei Stock Average futures option. That petition requests exemptive relief from the trading volume tests set forth in the Commission's rules. In that regard, § 33.4(a)(5)(iii) of the Commission's rules requires, as a condition of designation for proposed options on futures contracts, that the exchange demonstrate that:

\* \* \* the volume of trading in all contracts months for futures delivery of the commodity for which the option designation is sought has averaged at least 3,000 contracts per

week on such board of trade for the 12 months preceding the date of application for option contract market designation, or alternatively, that such futures contract market, based on its trading history, substantially meets this total volume requirement in less than the 12 months preceding the date of application; \* \* \*

The Division notes that the CME's Nikkei Stock Average futures contract which will underlie the proposed option contract currently is pending at the Commission for approval. Thus, since there has been no trading in that futures contract, the futures trading volume requirement for this proposed option contract has not been met.

As discussed in more detail in previous Federal Register notices (see, for example, 52 FR 41755, October 30, 1987), the Commission has stated that it believes that, at the minimum, a petition for exemption from the trading volume tests may be granted only if the underlying cash market for the commodity exhibits a high level of liquidity. Cash market liquidity would be evidenced by extensive and frequent trading activity, a large number of participants in the market, and tight bid/ask spreads. Further, the terms of the futures contract should ensure the opportunity for arbitrage and close alignment between the cash and futures markets. In combination, the liquidity of the underlying cash market and the opportunities for arbitrage are major factors in determining the extent to which a less liquid futures contract could be disrupted by the exercise of options and the alternatives available to those exercising the options. In addition, to enable position holders to evaluate accurately the value of their option positions in the absence of active trading in the underlying futures contract, the Commission stated its belief that there should exist an accurate and widely available price series which would be representative of values of the commodity underlying the future.<sup>1</sup>

<sup>1</sup> The Division notes that in those cases where the underlying futures contract fails to develop a sufficient level of trading volume, the option on the futures contract would become subject to the delisting criteria set forth in § 5.4 of the Commission's rules. Specifically, if the volume in the underlying futures contract market falls below an average weekly volume of 1,000 contract for all months listed for the six-month period following designation of the option contract, no new option contract months may be listed until the volume in the underlying futures contracts rises above an average of 2,000 contracts per week for all trading months listed for a period of three consecutive months.

In requesting comment on the CME's proposed option on Nikkei Stock Average futures, the Division is seeking specific comment on whether it should grant the CME's request for an exemption from the requirements of § 33.4(a)(5)(iii) for the proposed contract. Commenters are requested to consider the issues noted above. Also, commenters are requested to address whether, if the petition were granted, additional surveillance activities and expiration reviews, particularly at the outset of trading, should be implemented by the CME for this proposed contract.

Copies of the terms and conditions of the proposed contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CME in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed option contracts, or the petition, or with respect to other materials submitted by the CME in support of the applications, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 by the specified dates.

Issued in Washington, DC, on July 22, 1988.  
Paula A. Tosini,

Director, Division of Economic Analysis.  
[FR Doc. 88-16873 Filed 7-26-88; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Contract Data Requirements List; Data Item Descriptions Reduction

**AGENCY:** Under Secretary of Defense (Acquisition), DOD.



**ACTION:** Notice.

**SUMMARY:** The Department of Defense is firmly committed to reducing the amount of data acquired from contractors under defense contracts. These data requirements are imposed in contracts through the citing of Data Item Descriptions (DID's) in the Contract Data Requirements List (CDRL). We suspect that there are DID's which overspecify requirements, are duplications of other DID's, or otherwise result in an unnecessary paperwork burden upon the public. Internal efforts are being undertaken by DoD to reduce the number of these types of DID's. Your help in specifically identifying the DID's which could be eliminated or improved will be appreciated. The input resulting from this request will be used to reduce the number of DID's and thereby reduce the paperwork burden placed upon the public. At this time comments are requested on DID's that fall into the following categories (reference DoD 5010.12-L, Acquisition Management Systems and Data Requirements Control List (AMSDL); HFAC (Human Factors); ILSS (Integrated Logistics Support Standards); MNTY (Maintainability); PACK (Packing, Packaging, Preservation, and Transportability); RELI (Reliability); SAFT (Safety); TMSS (Technical Manual Specifications and Standards). Comments on other categories of DID's were requested in previous **Federal Register** Notices and will be requested in future **Federal Register** Notices.

**DATE:** Comments should be received by September 26, 1988.

**ADDRESS:** Comments should be forwarded to Mr. Carl Berry, Defense Data Management Office, OASD(P&L)DDMO, 5203 Leesburg Pike, Suite 1401, Falls Church, VA 22041.

**FOR FURTHER INFORMATION CONTACT:** A list of the DIDs in the above categories, a copy of individual DID's, or a copy of each of the DID's may be obtained from Mr. Carl Berry, Defense Data Management Office, 5203 Leesburg Pike, Suite 1401, Falls Church, VA 22041, telephone (703) 756-2554.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.  
July 20, 1988.

[FR Doc. 88-16754 Filed 7-26-88; 8:45 am]

BILLING CODE 3810-01-M

## Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal

Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, August 2, 1988; Tuesday, August 9, 1988; Tuesday, August 16, 1988; Tuesday, August 23, 1988; and Tuesday, August 30, 1988 at 10:00 a.m. in Room 1E801, The Pentagon, Washington, DC.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hererby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments will a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, The Pentagon, Washington, DC. 20301.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.  
July 22, 1988.

[FR Doc. 88-16945 Filed 7-26-88; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Army

### Privacy Act of 1974; Amendments to Systems of Records

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice of amendments to a system of records subject to the Privacy Act of 1974.

**SUMMARY:** The Department of the Army is amending one of its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a).

**DATE:** This proposed action will be effective without further notice on August 26, 1988, unless comments are received which result in a contrary determination.

**ADDRESS:** Send comments to Mr. Cliff Jones, AS-OPS-MR, Fort Huachuca, AZ 85613-5000, telephone: 602-538-6548, autovon: 879-6568.

**SUPPLEMENTARY INFORMATION:** The Department of the Army systems of records notices subject to the Privacy Act of 1974 have been published in the **Federal Register** as follows:

FR Doc. 85-10237 (50 FR 22090) May 29, 1985 (Compilation)

FR Doc. 86-14667 (51 FR 23576) June 30, 1986

FR Doc. 86-19534 (51 FR 30900) August 29, 1986

FR Doc. 86-25274 (51 FR 40479) November 7, 1986

FR Doc. 86-27580 (51 FR 44361) December 9, 1986

FR Doc. 87-8140 (52 FR 11847) April 13, 1987

FR Doc. 87-11379 (52 FR 18798) May 19, 1987

FR Doc. 87-15611 (52 FR 25905) July 9, 1987

FR Doc. 87-19686 (52 FR 32329) August 27, 1987

FR Doc. 87-26438 (52 FR 43932) November 17, 1987

FR Doc. 88-8671 (53 FR 12971) April 20, 1988

FR Doc. 88-10355 (53 FR 16575) May 10, 1988

FR Doc. 88-12861 (53 FR 21509) June 8, 1988

The specific changes to the records system being amended are set forth below, followed by the system notice, as amended, published in its entirety.

The proposed amendments are not within the purview of the provision of 5 U.S.C. 552a(o), which require the submission of a new or altered system report.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.  
July 22, 1988.

### AMENDMENT

#### A0607.01DAPE

**System name.** Accident and Incident Case Files; Army Safety Management Information System (50 FR 22165, May 29, 1985).

**Changes:**



**System name.** Delete the entire entry and substitute with the following: Army Safety Management Information System (ASMIS).

**System location.** Delete: Segments exist at Army Staff agencies, field operating agencies, major commands, and installations.

**Categories of individuals covered by the system.** Add: or accidents in which Army Personnel are injured.

**Categories of records in the system.** Delete the entire entry and substitute with the following: Automated data base containing pertinent and relevant information concerning Army mishaps/accidents. For aviation accidents, the records consist of those data elements listed on Preliminary Reports of Aircraft Mishaps but exclude data extracted from DA Forms 2397-R. For ground accidents, the records include data extracted from DA Form 285 and 285-1. Records do not include DA Forms 2397-R, 285 or 285-1 or their exhibits and attachments.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses.** Delete entire entry and substitute with the following: Commanders and aviation staff officers in the Active Army, National Guard, and Reserve components who have an identified need to determine aviator or soldier accident/mishap experience for increased duty responsibility or training programs may also request a search of the PRAM files by name and SSN. National Guard units are provided the aircraft accident history of applicants to aviation positions in the Guard to help evaluate their suitability for appointment. It may also be used by safety officials within DOD to determine eligibility for safety awards. Access to these records may also be granted by System Manager to various Department of Defense agencies, the Department of Labor, Federal Aviation Agency, National Transportation Safety Board, other Federal, State, and local agencies, and applicable civilian organizations, such as the National Safety Council, for use in a combined effort of accident prevention. In those cases, access by non-DOD agencies will not be based on name or SSN. Data must also be disclosed under the provisions of 29 CFR 1960.29 in some cases to employee representatives. See "Blanket Routine Uses" set forth at the beginning of the Army's listing.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.** Delete entire entry and substitute with the following:

**Storage.** Delete "Paper records; \* \* \*" and "\*\* \* \* microfilm."

**Retrievability.** Delete entire entry and substitute with the following: U.S. Army Safety Center employees may retrieve data by reference to a person's name or social security number. Army Staff agencies, installation and command safety offices, major subordinate commands of the Army Materiel Command can access the records by remote terminal. Retrieval from remote terminals is limited to nonpersonal identifiers such as date, location, type of equipment or type of accident. Retrieval of records from which data is ASMIS is extracted (DA Forms 285, 285-1, and 2397-R) is by date and sequence number.

**Safeguards.** Delete entire entry and substitute with the following: Information is coded and accessed only by authorized personnel who have appropriate clearance. Paper/microfilm records which are the source of the data are maintained in locked file cabinets in a room secured by a manipulation-proof combination lock. Computer stored records are secured similarly behind security doors. Personnel who are granted access from remote sites are required to comply with restrictions on the use and release of the information. Remote terminal access is granted only on the bases of a need-to-know for accident prevention purposes. Authorized personnel are given a personal code word for access and must agree in writing to observe restrictions on the use and release of data.

**Retention and disposal.** Delete entire entry and substitute with the following: Computerized records are retained for 30 years. Computer printouts of accident reports containing names or SSNs are shredded or burned. Accident reports from which ASMIS data is extracted are maintained at the U.S. Army Safety Center on paper for 5 years, then transferred to microfilm. Paper records at installation and command safety offices are destroyed after 5 years.

**System Manager(s) and Address.** Delete entire entry and substitute with the following: Director of Army Safety, Headquarters, Department of the Army, Washington, DC 20310.

**A0607.01DAPE**

**SYSTEM NAME:**

Army Safety Management Information System (ASMIS).

**SYSTEM LOCATION:**

System exists at U.S. Army Safety Center, Fort Rucker, AL 36362-5363.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals involved in accidents incident to Army operations or accidents in which Army personnel are injured.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Automated data base containing pertinent and relevant information concerning Army mishaps/accidents. For aviation accidents, the records consist of those data elements listed on Preliminary Reports of Aircraft Mishaps but exclude data extracted from DA Forms 2397-R. For ground accidents, the records include data extracted from DA Form 285 and 285-1. Records do not include DA Forms 2397-R, 285 or 285-1 or their exhibits and attachments.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C., section 7902; Pub. L. 91-596, section 18, Occupational Safety and Health Act of 1970; section 2, Executive Order 11807; and Executive Order 9397, Occupational Safety and Health Programs for Federal Employees.

**PURPOSE(S):**

Information is maintained solely for accident prevention purposes.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Commanders and aviation staff officers in the Active Army, National Guard, and Reserve components who have an identified need to determine aviator or soldier accident/mishap experience for increased duty responsibility or training programs may also request a search of the PRAM files by name and SSN. National Guard units are provided the aircraft accident history of applicants to aviation positions in the Guard to help evaluate their suitability for appointment. It may also be used by safety officials within DOD to determine eligibility for safety awards. Access to these records may also be granted by System Manager to various Department of Defense agencies, the Department of Labor, Federal Aviation Agency, National Transportation Safety Board, other Federal, State, and local agencies, and applicable civilian organizations, such as the National Safety Council, for use in a combined effort of accident prevention. In those cases, access by non-DOD agencies will not be based on name or SSN. Data must also be disclosed under the provisions of 29 CFR 1960.29 in some cases to employee representatives. See "Blanket Routine



Uses" set forth at the beginning of the Army's listing.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Magnetic tapes/disks.

**RETRIEVABILITY:**

U.S. Army Safety Center employees may retrieve data by reference to a person's name or social security number. Army Staff agencies, installation and command safety offices, major subordinate commands of the Army Materiel Command can access the records by remote terminal. Retrieval from remote terminals is limited to nonpersonal identifiers such as date, location, type of equipment or type of accident. Retrieval of records from which data in ASMIS is extracted (DA Forms 285, 285-1, and 2397-R) is by date and sequence number.

**SAFEGUARDS:**

Information is coded and accessed only by authorized personnel who have appropriate clearance. Paper/microfilm records which are the source of the data are maintained in locked file cabinets in a room secured by a manipulation-proof combination lock. Computer stored records are secured similarly behind security doors. Personnel who are granted access from remote sites are required to comply with restrictions on the use and release of the information. Remote terminal access is granted only on the bases of a need-to-know for accident prevention purposes. Authorized personnel are given a personal code word for access and must agree in writing to observe restrictions on the use and release of data.

**RETENTION AND DISPOSAL:**

Computerized records are retained for 30 years. Computer printouts of accident reports containing names or SSNs are shredded or burned. Accident reports from which ASMIS data is extracted are maintained at the U.S. Army Safety Center on paper for 5 years, then transferred to microfilm. Paper records at installation and command safety offices are destroyed after 5 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Army Safety, Headquarters, Department of the Army, Washington, DC 20310.

**NOTIFICATION PROCEDURE:**

Individuals wishing to know whether or not information on them exists in this system of records should write to the Commander, U.S. Army Safety Center, Fort Rucker, AL 36362-5363. ATTN:

Judge Advocate. Individual must furnish his/her full name, SSN, current address and telephone number, when and where the accident occurred, type of equipment involved in the accident, and signature.

**RECORD ACCESS PROCEDURES:**

Individuals desiring access to information on themselves should inquire by writing to the Commander, U.S. Army Safety Center, providing information specified in "Notification procedure".

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

Army records and reports containing information in reports of accident, injury, fire, morbidity, military police traffic accident investigations, casualty reports, individual sick slips, report of vehicle accidents, marine casualty reports, and military aviation records.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 88-16946 Filed 7-26-88; 8:45 am]

BILLING CODE 3810-01-M

**Privacy Act of 1974; Amendments to Systems of Records**

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice of amendments to systems of records subject to the Privacy Act of 1974.

**SUMMARY:** The Department of the Army is amending nine of its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a).

**DATES:** This proposed action will be effective without further notice on August 26, 1988, unless comments are received which result in a contrary determination.

**ADDRESS:** Send comments to Mr. Cliff Jones, AS-OPS-MR, Fort Huachuca, AZ 85613-5000, telephone: 602-538-6568, autovon: 879-6568.

**SUPPLEMENTARY INFORMATION:** The Department of the Army systems of records notices subject to the Privacy Act of 1974 have been published in the Federal Register as follows:

FR Doc. 85-10237 (50 FR 22090) May 29, 1985 (Compilation)

FR Doc. 86-14667 (51 FR 23576) June 30, 1986

FR Doc. 86-19534 (51 FR 30900) August 29, 1986

FR Doc. 86-25274 (51 FR 40479) November 7, 1986

FR Doc. 86-27580 (51 FR 44361) December 9, 1986

FR Doc. 87-8140 (52 FR 11847) April 13, 1987

FR Doc. 87-11379 (52 FR 18798) May 19, 1987

FR Doc. 87-15611 (52 FR 25905) July 9, 1987

FR Doc. 87-19686 (52 FR 32329) August 27, 1987

FR Doc. 87-26438 (52 FR 43932) November 17, 1987

FR Doc. 88-8671 (53 FR 12971) April 20, 1988

FR Doc. 88-10355 (53 FR 16575) May 10, 1988

FR Doc. 88-12861 (53 FR 21509) June 8, 1988

The specific changes to the record systems being amended are set forth below, followed by the system notices, as amended, published in their entirety.

The proposed amendments are not within the purview of the provision of 5 U.S.C. 552a(o), which require the submission of a new or altered system report.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

July 21, 1988.

**Amendment**

**A0508.16a.DAPE**

*System name:*

Absentee Case Files (50 FR 22158, May 29, 1985).

*Changes:*

Change system number from A0508.16a.DAPE to "A0508.16a.DAMO"

*Authority for maintenance of the system:*

Add "E.O. 9397."

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

Add "(3) See 'Blanket Routine Uses' set forth at the beginning of the Army's listing of record system notices."

*System manager(s) and address:*

Delete the entire entry and substitute with the following: "Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440."

**A0508.16a.DAMO**

**SYSTEM NAME:**

Absentee Case Files.

**SYSTEM LOCATION:**

Primary U.S. Army Deserter Information Point, U.S. Army Enlisted Records and Evaluation Center, Ft Benjamin Harrison, IN 46249. A copy of all or portions of this system is maintained at the installation initiating the report of absence and at respective law enforcement agencies.



**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any active Army member absent without proper authority and administratively designated as a deserter pursuant to Army Regulation 630-10.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reports and records which document the individual's absence; notice of unauthorized absence from U.S. Army which constitutes the warrant for arrest; notice of return to military control or continued absence in hands of civil authorities.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C., section 3012(g); E.O. 9397.

**PURPOSE(S):**

To enter data in the FBI National Crime Information Center "wanted persons" file; to ensure apprehension actions are initiated/terminated promptly and accurately; and to serve management purposes through examination causes of absenteeism and developing programs to deter unauthorized absences.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Information is furnished to local, State, Federal, international, or foreign law enforcement authorities in efforts to apprehend, detain, and return offenders to military custody. In overseas areas, information may be disclosed to foreign governmental and civil authorities as required by local customs, law, treaties, and agreements with allied forces and foreign governments.

(2) Information may be disclosed to the Veterans Administration for assistance in determining whereabouts of Army deserters through the Veterans and Beneficiaries Identification and Records Locator Subsystem.

(3) See "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents and the record copy of the Arrest Warrant are maintained in the Official Military Personnel Files; verified desertion data are stored on the Deserter Verification Information System at the U.S. Army Deserter Information Point.

**RETRIEVABILITY:**

Manually, by name; automated records are retrieved by name, plus any

numeric identifier such as date of birth, SSN, or Army serial number.

**SAFEGUARDS:**

Access is limited to authorized individuals having a need-to-know. Records are stored in facilities manned 24 hours, 7 days a week. Additional controls which meet the administrative, physical, and technical safeguard requirements of Army Regulation 380-380 are in effect.

**RETENTION AND DISPOSAL:**

Automated records are erased when individual returns to military custody, is discharged, or dies. Paper or microform records remain a permanent part of the individual's Official Military Personnel File.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440.

**NOTIFICATION PROCEDURE:**

Individuals wishing to know whether or not this system contains information about them should contact the U.S. Deserter Information Point, U.S. Army Enlisted Records Center, Ft Benjamin Harrison, IN, furnishing full name, SSN and/or Army serial number, address, telephone number, and signature.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information concerning themselves should provide information in "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

Unit Commander, First Sergeants, subjects, witnesses, Military Police, U.S. Army Criminal Investigation Command personnel and special agents, informants, DOD, Federal, State, and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may furnish pertinent information.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g).

**Amendment****A0508.17bDAPE****System name:**

Ration Control/Blackmarket Monitoring Files (50 FR 22188, May 29, 1985).

**Changes:**

Change system number from A0508.17bDAPE to "A0508.17bDAMO".

*Authority for maintenance of the system:*

Add "E.O. 9397."

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

Add See "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices."

**System manager(s) and address:**

Delete the entire entry and substitute with the following: "Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440."

**A0508.17bDAMO****SYSTEM NAME:**

Ration Control/Blackmarket Monitoring Files.

**SYSTEM LOCATION:**

Office of the Provost Marshal, U.S. Army, Japan; U.S. Army, Europe and Seventh Army; U.S. Army; Southern Command; U.S. Forces Korea/Eighth Army.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All members of the U.S. Army at overseas locations, their dependents, civilian employees, U.S. Embassy personnel, contract personnel, technical representatives, and individuals who are assigned to or under the judicial or administrative control of the U.S. Army who make purchases of controlled items from authorized resale activities at overseas locations, those authorized duty-free privileges at Class VI stores, commissaries, and retail outlets located on U.S. facilities and installations overseas.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual's name, SSN, passport number, citizenship, service component, dependency status, local address; sales slips and control sheets used in sale of controlled items by U.S. Forces; overspending/overpurchase printouts produced by central computer facilities.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C., Section 3012; 5 U.S.C., Section 301; Status of Forces Agreement between the United States of America and the host country in which U.S. Forces are located; E.O. 9397.

**PURPOSE(S):**

To assist commanders and U.S. Armed Forces investigative agents in monitoring purchases of controlled items: to produce ration control plates for authorized users; to maintain record of selected controlled item purchases at retail facilities and suspected violators of the system; and to comply with Joint Service blackmarket monitoring control policy.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To provide information to the host country, required by the Status of Forces Agreement between the United States of America and the host country. See "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, magnetic tapes, microfiche.

**RETRIEVABILITY:**

By name and/or SSN.

**SAFEGUARDS:**

Records are accessed only by authorized personnel having official need therefor. During off duty hours, the facility housing the records is secured by sound activated alarm.

**RETENTION AND DISPOSAL:**

Records are retained for 1 year; violations data are retained until the end of the individual's tour of duty employment; then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440.

**NOTIFICATION PROCEDURE:**

Information may be obtained from the Provost Marshal at the overseas Army installation which issued the ration control authorization.

**RECORD ACCESS PROCEDURES:**

Individuals desiring to access records pertaining to them should inquire as stated under "Notification procedure", furnishing full name, SSN, and signature.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

From individual's application for ration control privileges; recorded sales at retail outlets and orders made through exchange catalog sales at U.S. military facilities in overseas locations.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**Amendment****A0508.24aDAPE****System name:**

Serious Incident Reporting Files (50 FR 22159, May 29, 1985).

**Changes:**

Change system number from A0508.24aDAPE to "A0508.24aDAMO".

**System location:**

Delete the entire entry and substitute with the following: "Primary System is located at the Office of the Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0508. Segments are maintained at the installation initiating reports and at respective major Army commands."

**Authority for maintenance of the system:**

Add "E.O. 9397."

**System manager(s) and address:**

Delete the entire entry and substitute with the following: "Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440."

**A0508.24aDAMO****SYSTEM NAME:**

Serious Incident Reporting Files.

**SYSTEM LOCATION:**

Primary System is located at the Office of the Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0508. Segments are maintained at the installation initiating reports and at respective major Army commands.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any citizen identified as the subject or victim of a serious incident reportable

to Department of the Army in accordance with Army Regulation 190-40. This includes in general any criminal act or other incident which, because of its sensitivity or nature, publicity or other considerations should be brought to the attention of Headquarters, Department of the Army.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records include the initial report of the incident plus any supplemental reports, including reports of final adjudication.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C., section 3012(g); E.O. 9397.

**PURPOSE(S):**

To provide the military chain of command with timely information regarding serious incidents to permit a valid early determination of possible implication; to provide an early indication of acts or conditions which may have widespread adverse publicity; to provide a means of analysis of crime and conditions conducive to crime on which to base crime prevention policies and programs; and to meet the general needs of Department of the Army Staff agencies for information regarding selected incidents which impact on their respective areas of responsibility.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records in file folders.

**RETRIEVABILITY:**

By individual's name, SSN, installation number.

**SAFEGUARDS:**

Buildings employ security guards and control access. Distribution and access to files are based on strict need-to-know. Records are contained in locked safes when not under personal supervision of authorized personnel.

**RETENTION AND DISPOSAL:**

Destroyed 1 year after final report is completed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440.



**NOTIFICATION PROCEDURE:**

Individuals wishing to know whether or not information on them is contained in this system of records may write to the System Manager. Individual should furnish his/her full name, current address and telephone number, sufficient details to permit locating pertinent records, and signature.

**RECORD ACCESS PROCEDURES:**

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", furnishing information specified therein.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

Subjects, witnesses, victims, Military Police and U.S. Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may supply pertinent information.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g).

**Amendment****A0509.03DAPE****System name:**

Trophy Firearm Registration (50 FR 22160, May 29, 1985).

**Changes:**

Change system number from A0508.03DAPE to "A0509.03DAMO".

**System location:**

Delete the entire entry and substitute with the following: "Primary system is located at the Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0508. Copies of war trophy firearm registration records are maintained at respective provost marshal offices initiating the records."

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

Add "See 'Blanket Routine Uses' set forth at the beginning of the Army's listing of record system notices."

**System manager(s) and address:**

Delete the entire entry and substitute with the following: "Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440."

**Notification procedure:**

Delete "ATTN: DAPE-HRE" and add in its place "ATTN: DAMO-ODL".

**A0509.03DAMO****SYSTEM NAME:**

Trophy Firearm Registration.

**SYSTEM LOCATION:**

Primary system is located at the Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0508. Copies of war trophy firearm registration records are maintained at respective provost marshal offices initiating the records.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Members of the Armed Forces of the United States who acquire, during periods of hostilities, firearms approved for personal retention as war trophies.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Copy of DD Form 603, Registration of War Trophy Firearm; relevant supplementary correspondence of approvals.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C., section 3012(g).

**PURPOSE(S):**

To assure maintenance of records of service members' acquisition of firearms retained as war trophies is authorized within the meaning of the National Firearms Act and 18 U.S.C., section 102.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information from this system may be furnished to the following agencies for investigation and prosecution for violations of the National Firearms Act: Federal Bureau of Investigation; Drug Enforcement Administration; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; U.S. District Courts; U.S. Magistrates; local law enforcement agencies; and, in overseas

areas, most government law enforcement agencies as prescribed in Status of Forces Agreements. See "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notice.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records in file cabinets.

**RETRIEVABILITY:**

By owner's surname.

**SAGEGUARDS:**

Buildings employ security guards. Records are accessible only to authorized personnel having need thereof in the performance of their duties.

**RETENTION AND DISPOSAL:**

Records are created at the onset of hostilities and retained in Headquarters, Department of Army files until end of calendar year in which hostilities ceased; held 1 additional year or until arrangements are complete to transfer the records to Director, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, Washington, DC 20226.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440.

**NOTIFICATION PROCEDURE:**

Individuals wishing to know whether or not information on them is contained in this system or records should write to the System Manager, ATTN: DAMO-ODL, furnishing full name, sufficient details to permit locating the records, and signature.

**RECORD ACCESS PROCEDURES:**

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", furnishing information specified therein.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

From the individual at time of registration.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.



**Amendment****A0509.08aDAPE****System name:**

Registration and Permit Files (50 FR 22161, May 29, 1985).

**Changes:**

Change system number from A0509.08aDAPE to "A0509.08aDAMO".

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

Add "See 'Blanket Routine Uses' set forth at the beginning of the Army's listing of record system notices."

**System manager(s) and address:**

Delete the entire entry and substitute with the following: "Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440."

**A0509.08aDAMO****SYSTEM NAME:**

Registration and Permit Files.

**SYSTEM LOCATION:**

Army installations.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any citizen registering restricted items of property on a military installation or desiring to engage in restricted activities on a military installation. Items/activities include but are not limited to privately owned firearms/weapons, pets and hunting and fishing.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Registration form for items of restricted property; permit application for restricted activities.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C., section 3012.

**PURPOSES(S):**

To assist the commander in carrying out effective law enforcement, troop safety, and crime prevention programs.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information is furnished to criminal justice elements outside the Department of Defense for investigation and prosecution when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; U.S. Customs Services; Bureau of Alcohol, Tobacco and Firearms; U.S. District

Courts; U.S. Magistrates; state and local law enforcement, wildlife conservation and public health agencies; and, in overseas areas, host government law enforcement agencies. See "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records in file folders; magnetic disc/tapes; microfiches; computer printouts.

**RETRIEVABILITY:**

By individual's surname.

**SAFEGUARDS:**

Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

**RETENTION AND DISPOSAL:**

Destroyed upon removal of the restricted property from the military installation or upon expiration of the permit.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), headquarters, Department of the Army, Washington, DC 20310-0440.

**NOTIFICATION PROCEDURE:**

Individuals wishing to know whether or not this system of records contains information on them may inquire of the System Manager. Individual must provide full name, present address, sufficient details to permit locating the records, and signature.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves in this system should follow requirements in "Notification procedure".

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

Any citizen desiring/required to register firearms/weapons, pets, etc. that will be maintained within or desiring to hunt/fish within the confines of and Army installation.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Portions of this system of records which fall within 5 U.S.C. section 552a(k)(2) are exempt from the following provision of Title 5 U.S.C., section 552a: (c)(3).

**Amendment****A0509.18bDAPE****System name:**

Expelled or Barred Person Files (50 FR 22163, May 29, 1985).

**Changes:**

Change system number from A0509.18bDAPE to "A0509.18bDAMO".

**Authority for maintenance of the system:**

Add "E.O. 9397."

**System manager(s) and address:**

Delete the entire entry and substitute with the following: "Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-DDL), Headquarters, Department of the Army, Washington, DC 20310-0440."

**Notification procedure:**

Delete the entire entry and substitute with the following: "Individuals wishing to know whether or not information on them is contained in this system of records should write to the System Manager, ATTN: DAMO-DDL, furnishing their full name, SSN, address, details concerning the expulsion or debarment action, and signature."

**A0509.18bDAMO****SYSTEM NAME:**

Expelled or Barred Person Files.

**SYSTEM LOCATION:**

Records are maintained at the Army installation initiating the expulsion or debarment action.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any citizen who is expelled or barred from an Army installation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Names of individual, expulsion orders, investigative reports and supporting documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

18 U.S.C., section 1382, E.O. 9397.

**PURPOSE(S):**

To assist the commander in carrying out responsibilities required by 18 U.S.C., section 1382.



**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

See "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records in file folders.

**RETRIEVABILITY:**

By individual's name.

**SAFEGUARDS:**

Distribution and access to files are based on strict need-to-know. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

**RETENTION AND DISPOSAL:**

Destroyed on revocation or upon discontinuance.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440.

**NOTIFICATION PROCEDURE:**

Individuals wishing to know whether or not information on them is contained in this system of records should write to the System Manager, ATTN: DAMO-ODL, furnishing their full name, SSN, address, details concerning the expulsion or debarment action, and signature.

**RECORD ACCESS PROCEDURE:**

Individuals desiring to access records on themselves should write as indicated in "Notification procedure", providing information specified therein.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

Subjects, witnesses, victims, Military Police and U.S. Army Criminal Investigations Command personnel and special agents, informants, various Department of Defense, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(6), (f), and (g).

**Amendment**

**A0509.19aDAPE**

**System name:**

Military Police Investigator Certification Files (50 FR 22163, May 29, 1985).

**Changes:**

Change system number from A0509.19aDAPE to "A0509.19aDAMO".

**Authority for maintenance of the system:**

Add "E.O. 9397."

**System manager(s) and address:**

Delete the entire entry and substitute with the following: "Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440."

**Notification procedure:**

Delete "ATTN: DAPE-HRE" and substitute in its place "ATTN: DAMO-ODL".

**A0509.19aDAMO**

**SYSTEM NAME:**

Military Police Investigator Certification Files.

**SYSTEM LOCATION:**

Primary records are maintained at the U.S. Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332. Segments exist at the installation initiating request and at respective major Army commands.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any individual who has been nominated by a commander for certification as a Military Police Investigator.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Files contain requests, name checks, background checks, approvals, disapprovals, appeals, rebuttals, and related documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C., section 3012(g); E.O. 9397.

**PURPOSE(S):**

To establish eligibility and suitability of individuals to be certified as Military Police Investigators.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

See "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records in file folders; card indices.

**RETRIEVABILITY:**

By individual's surname.

**SAFEGUARDS:**

Buildings employ security guards and control access. Information is not disclosed outside the agency; within the agency, access to records containing adverse suitability information is restricted by use of protective markings. Distribution and access are based on strict need-to-know.

**RETENTION AND DISPOSAL:**

Destroyed upon individual's release from active service or 3 years after involuntary withdrawal of certification.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440.

**NOTIFICATION PROCEDURE:**

Individuals desiring to know whether or not information on them is contained in this system of records should write to the System Manager, ATTN: DAMO-ODL, furnishing full name, SSN, current address, sufficient details to permit locating pertinent records, and signature.

**RECORD ACCESS PROCEDURES:**

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", supplying information specified therein.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

Subjects, witnesses, victims, Military Police and U.S. Army Criminal Investigation Command personnel and



agents, informants, various Department of Defense, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

All portions of this system of records which fall within 5 U.S.C. 552a(k) (2), (5), or (7) are exempt from the following provisions of 5 U.S.C. 552a: (d), (e)(4)(G), (e)(4)(H), and (f).

#### Amendment

##### A0509.21aDAPE

#### System name:

Local Criminal Information Files (50 FR 22164, May 29, 1985)

Change system number from A0509.21aDAPE to "A0509.21aDAMO".

#### System name:

Delete "Information" and add in its place "Intelligence".

#### Authority for maintenance of the system:

Add "E.O. 9397."

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

Delete the entire entry and substitute the following: "Intelligence may be disclosed to the Federal Bureau of Investigation; Drug Enforcement Administration; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; other Federal, State, and local enforcement agencies; and, in overseas areas, host government law enforcement agencies when intelligence pertains to matters within the jurisdiction of those agencies. See "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices."

#### System manager(s) and address:

Delete the entire entry and substitute the following: "Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440."

##### A0509.21aDAMO

#### SYSTEM NAME:

Local Criminal Intelligence Files.

#### SYSTEM LOCATION:

Records are maintained at the installation initiating or collecting the documents.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen or group of citizens suspected or involved in criminal

activity directed against or involving the United States Army.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and supporting documents of criminal activity directed against or involving the U.S. Army.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012(g); E.O. 9397.

#### PURPOSE(S):

To identify individuals or groups of individuals in an effort to anticipate, prevent or monitor possible criminal activity directed against or involving the U.S. Army; to enable Army officials, commanders, or civil criminal justice agencies to meet their responsibilities regarding the maintenance of discipline, law and order through investigation and possible criminal prosecution, civil court action, or regulatory order. Users within the Army include commanders in exercising their authority under the provisions of Titles 10 and 18, U.S.C.; persons designated by the commander to assist in carrying out these responsibilities, i.e., staff judge advocate, investigating officers appointed in accordance with Army regulations, U.S. Army Criminal Investigation Command, military intelligence personnel in those incidents involving possible or actual sabotage or espionage.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Intelligence may be disclosed to the Federal Bureau of Investigation; Drug Enforcement Administration; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; other Federal, state, and local enforcement agencies; and, in overseas areas, host government law enforcement agencies when intelligence pertains to matters within the jurisdiction of those agencies. See "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper records in file folders; magnetic tape/disc.

##### RETRIEVABILITY:

By individual's name, or by cross-index of other data maintained in the system.

##### SAFEGUARDS:

Only authorized personnel have access to files. Physical security

measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

#### RETENTION AND DISPOSAL:

Destroyed upon supersession, obsolescence, or deactivation of the related command.

#### SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440.

#### NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them is contained in this system of records should write to the System Manager, providing their full name, SSN, current address and telephone number, sufficient details to permit locating pertinent records, and signature.

#### RECORD ACCESS PROCEDURE:

Individuals desiring access to records pertaining to them should write as indicated in "Notification procedure", providing information specified therein.

#### CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

#### RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and U.S. Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may supply pertinent information.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of 5 U.S.C. 552a: (C)(3), (C)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g).

#### Amendment

##### A0720.04DAPE

#### System name:

Army Correction System: Correctional Treatment Records (50 FR 22201, May 29, 1985).



**Changes:**

Change system number from A0720.04DAPE to "A0720.04DAMO".

**System name:**

Delete the entire entry and substitute with the following: "Correctional Reporting System (CRS)".

**System location:**

Delete entry (2) and substitute with the following: "(2) An automated extract of selected data from individual correctional treatment records at Army facilities is stored on computer media at five contractor-operated Regional Data Centers located near: Washington, DC; Fort McPherson, GA; Fort Knox, KY; Fort Hood, TX; and Fort Ord, CA."

**Authority for maintenance of the system:**

Add "E.O. 9397."

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Add "See Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices."

**System manager(s) and address:**

Delete the entire entry and substitute with the following: "The Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440."

**Notification procedure:**

Delete the entire entry and substitute with the following: "Information may be sought by writing to the commander of the confinement/correctional facility, or to the Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0580."

**A0720.04DAMO****SYSTEM NAME:**

Correctional Reporting System (CRS).

**SYSTEM LOCATION:**

(1) Army installation detention facilities, U.S. Army Correctional Activity, Ft Riley, KS; U.S. Disciplinary Barracks, Ft Leavenworth, KS.

(2) An automated extract of selected data from individual correctional treatment records at Army facilities is stored on computer media at five contractor-operated Region Data Centers located near: Washington, DC; Fort McPherson, GA; Fort Knox, KY; Fort Hood, TX; and Fort Ord, CA.

(3) The Army Clemency Board, Office, Assistant Secretary of the Army, Manpower and Reserve Affairs,

Washington, DC 20310 (for decisions on clemency recommendations, parole actions, and restoration to duty).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any military member confined at an Army confinement or correctional facility as a result of, or pending, trial by courts-martial.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documents related to the administration of individual military prisoners; courts-martial orders, release/confinement orders, medical examiner's reports, requests and receipts for health and comfort supplies, reports and recommendations relating to disciplinary actions, clothing and equipment issue records; forms authorizing correspondence by prisoner, mail records; personal history records; individual prisoner utilization records; requests for interview; fingerprint cards, military police reports; prisoner identification records; parolee agreements; inspections; documents regarding custodianship of personal funds and property of prisoners; former commanding officers; report; parents' report; spouse's report; classification recommendations; request to transfer prisoner; social history; clemency actions; psychologist's report; psychiatric and sociologic reports; certificate of parole; certificate of release from parole; assignment progress reports; and similar relevant documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C., sections 951-953; E.O. 9397.

**PURPOSE(S):**

Correctional treatment records are used to determine prisoner's custody classifications, work assignments, educational needs, adjustment to confinement, areas of particular concern, and, as the basis for clemency, parole and restoration to duty considerations. Automated records provide pertinent information required for proper management of confinement facility population, demographic studies, status of discipline and responsiveness of personnel procedures, as well as confinement utilization factors such as population turnover, recidivism, etc.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information may be disclosed (a) to local, state, and Federal law enforcement and investigation agencies for investigation and possible criminal prosecution, civil court actions or

regulatory orders, (b) to confinement/correctional agencies for use in the administration of correctional programs including custody classification, employment, training and educational assignments, treatment programs, clemency, restoration to duty or parole actions, verification of offender's criminal records, employment of records, and social histories. See "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices."

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records in file folders, punch cards, magnetic tape and disc.

**RETRIEVABILITY:**

By prisoner's surname and/or SSN/register number.

**SAFEGUARDS:**

(a) All records are maintained in areas accessible only to designated personnel having official need therefor. Automated data base and output are managed through comprehensive procedures and policies prescribed in system functional users manuals.

(b) Regional Data Centers are contractor-operated. Contractor personnel are security screened; employees receive a security briefing and participate in an on-going security education program under the Regional Data Security Officer. Regional Data Centers are connected through a communications network to 44 distributed data processing centers at Army installations. Technical, physical, and administrative safeguards required by Army Regulation 380-380 are met at installation data processing centers and information is secured in locked rooms with limited/controlled access. Data are available only to installation personnel responsible for system operation and maintenance. Terminals not in data processing centers are under the supervision of a terminal area security officer at each remote location protecting them from unauthorized use. Access to information is controlled further by a system of assigned passwords for authorized users of terminals.

**RETENTION AND DISPOSAL:**

(a) Individual correctional treatment records for prisoners in the U.S. Army Correctional Activity (USACA) or U.S. Disciplinary Barracks (USDB) are retained for 90 days following expiration of sentence/completion of parole/



maximum release date, following which they are retired to the National Personnel Records Center for 25 years; destruction is by shredding. Similar records for prisoners in local Army confinement and correctional facilities are destroyed 4 years following release of prisoner from confinement.

**Note:** Transfer of a prisoner from one facility to another is not construed as release from confinement. When a prisoner is transferred to another facility, his/her file is transferred with him/her.

Information on tape/disc is erased after 3 years.

(b) Army Clemency Board case files are returned on completion of Board action to USACA or USDB, as appropriate, where they are retained for 90 days after prisoner's release from confinement or return to duty, following which they are retired to the National Personnel Records Center and maintained for 25 years before being destroyed by shredding.

#### SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0440.

#### NOTIFICATION PROCEDURE:

Information may be sought by writing to the commander of the confinement/correctional facility, or to the Deputy Chief of Staff for Operations and Plans (ATTN: DAMO-ODL), Headquarters, Department of the Army, Washington, DC 20310-0580.

#### RECORD ACCESS PROCEDURES:

Individuals desiring access to their records may write to the Commander of the confinement/correctional facility where a prisoner, furnishing full name, SSN, present address, and dates of confinement. Request must bear signature of the individual whose record it is.

#### CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

#### RECORD SOURCE CATEGORIES:

From the individual witnesses; victims; Military Police/U.S. Army Criminal Investigation Command personnel and/or reports; informants; various Federal, state and local investigative and law enforcement agencies; foreign governments; any other individual or organization that may supply pertinent information.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

All portions of this system which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of Title 5 U.S.C., Section 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g).

[FR Doc. 88-16901 Filed 7-26-88; 8:45am]

BILLING CODE 3810-01-M

### DELAWARE RIVER BASIN COMMISSION

#### Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, August 3, 1988 beginning at 1:00 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey. The hearing will be part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:00 a.m. at the same location and is scheduled to include a Status Report on the Upper Delaware Ice Jam Project.

The subjects of the hearing will be as follows:

*Proposed Amendment to Comprehensive Plan and Basin Regulations—Water Supply Charges.* Notice was given in the June 16, 1988 Federal Register, Vol. 53, No. 116, pp. 22501-22502, that the Commission would hold a public hearing on August 3, 1988 to receive comments on a proposed amendment to its Comprehensive Plan and Basin Regulations—Water Supply Charges to include water charges for water use at hydroelectric power projects. The proposed amendment would establish annual base charges to owners of conventional run-of-river hydroelectric power plants that benefit from water storage facilities owned or partially owned by the Commission. In addition to the base charge, annual variable charges based on power generated at each facility would be assessed to owners of hydroelectric power plants that benefit from increased hydraulic head to the hydroelectric project as a result of investments by the Commission. Owners of hydroelectric power plants that derive additional benefit from increased flows available to the hydroelectric project that would not have been available without the Commission-sponsored project would also be charged; however, no charges for increased flows would be required when charges for increased hydraulic

head are in effect. Finally, charges for the use of any facilities such as pipe conduits, outlet works, and so on, installed in, on or near a Commission-sponsored project that benefit the hydroelectric project in any way would be determined on a case-by-case basis. Under the proposal, the owner of any hydroelectric generating facility would receive a credit against the water use fee otherwise payable to the Commission for any amount which the Commission receives from the U.S. Army Corps of Engineers or from the Federal Energy Regulatory Commission. The proposal also includes provisions addressing payment of bills and exemptions from charges.

*Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact:*

1. *Collegeville-Trappe Joint Water System D-79-59 CP.* An application for approval of a ground water withdrawal project to supply up to 3.6 million gallons (mg)/30 days from Well No. 10 to augment public water supplies in Trappe and Collegeville Boroughs. The well had been granted an emergency permit to operate at a pumpage rate of 0.110 million gallons per day (mgd) starting October 1979 and ending May 1, 1980. Well No. 10 had been operating without DRBC approval since May 1, 1980 and during that time (May 1985) the peak withdrawal rate reached 6.6 mg/30 days. The project is located approximately 1900 feet northeast of the intersection of Seventh Avenue and Route 422, in the Borough of Trappe, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

2. *Borough of Pennington D-84-33 CP.* A ground water withdrawal project supply approximately 0.216 mgd of water to the applicant's distribution system from existing Well No. 7. The proposed total withdrawal from all four wells will be 0.35 mgd. The project is located in Pennington Borough, Mercer County, New Jersey. Well No. 7 is the only Pennington Borough well located with the Delaware River Basin.

3. *City of Reading D-86-72 CP.* An application to construct a hydroelectric power generating project at the Ontelaunee Dam, a 56 foot high, concrete gravity structure, located in Maiden Creek Township, Berks County, Pennsylvania. The 1,350 acre reservoir that supplies water to the applicant will not be expanded. The current storage capacity of the reservoir is approximately 11,600 acre-feet. The proposed hydropower project will operate in run-of-river mode on Maiden



Creek, 3.0-river miles upstream of its confluence with the Schuylkill River. The project facilities are designed to generate one MW of electricity.

4. *Tioga Leasing Company (Hereford Estates Mobile Home Park) D-87-80*. An application to expand a 0.07 mgd sewage treatment plant to process 0.125 mgd of flow from 940 residents in the applicant's mobile home park located off the intersection of Pennsylvania Highways 10 and 29, in Hereford Township, Berks County. The proposed expansion will continue to provide high quality secondary treatment of wastewater. Treatment plant effluent will continue to be discharged to Perkiomen Creek through the existing outfall.

5. *Manwalamink Water Company D-88-34*. An application to construct a more efficient sewage treatment plant with additional capacity to serve the Shawnee Development in Smithfield Township, Monroe County, Pennsylvania. The proposed 0.7 mgd plant will be constructed adjacent to Brodhead Creek near the existing 0.245 mgd facility which will be abandoned. The proposed plant is designed to provide high quality secondary treatment, via a sequencing batch reactor process. Treatment plant effluent will be discharged to Brodhead Creek near its confluence with the Delaware River, which currently serves as the receiving stream.

6. *Bedminster Municipal Authority D-88-37 CP*. An application to include a sewage treatment plant (STP) in the Comprehensive Plan and approve the project under Section 3.8 of the Compact. The ownership of the Stone Bridge Sewer Company STP has been transferred to Bedminster Municipal Authority. The 0.1 mgd secondary treatment plant was approved by Docket No. D-81-47 on October 6, 1981, and subsequently upgraded to include a chemical treatment process. The STP is designed to process the year 2000 flow from 1,060 persons in the Stone Bridge development and surrounding Bedminster Township, Bucks County, Pennsylvania residents. Treatment plant effluent will continue to be pumped about 5,000 feet prior to discharging into Deep Run, a Tohickon Creek tributary. No expansion of treatment plant capacity is currently proposed.

7. *ARCO Petroleum Products Company D-88-40*. An application for approval of a ground water withdrawal project to withdraw up to 0.39 mg/30 days of water from the applicant's hydrocarbon recovery system from new Well Nos. PN-1 and PN-2, and to increase the existing withdrawal limit of 9.72 mg/30 days from all wells to 10.11

mg/30 days. The project is located in the City of Philadelphia, Philadelphia County, Pennsylvania.

8. *Papen Farms, Inc. D-88-41*. A combined surface water and ground water withdrawal project to supply a maximum of 176 mg/30 days of water from five wells and three surface intakes for irrigation of the applicant's farm crops in Kent County, Delaware. The total withdrawal from all wells will be limited to 130 mg/30 days. The water is used to irrigate approximately 1,350 acres of vegetables. Surface waters are withdrawn from Isaac Branch and Tidbury Creek, tributaries to the St. Jones River.

9. *Chesterdale Waste Treatment Company, Inc. D-88-44*. An application to upgrade a sewage treatment plant that serves the Willistown Woods development in Willistown Township and the Chesterdale Farms apartment complex in Westtown Township, both in Chester County, Pennsylvania. The existing plant was designed to provide secondary treatment for an average flow of 0.12 mgd. The applicant plans to upgrade the plant by constructing a trickling filter, an equalization tank, and a sand filter. No expansion in capacity or service area is proposed. Treatment plant effluent will continue to be discharged to an unnamed tributary of Hunter's Run in the Ridley Creek Basin. The existing outfall, which is located in Willistown Township, will continue to be used.

10. *Roamingwood Sewer and Water Association, Inc. D-88-45 CP*. An application for approval of a ground water withdrawal project to supply up to 9.69 mg/30 days of water to the applicant's distribution system from new Well Nos. 4 and 5, transfer the operation of Well Nos. 1, 2 and 3 Roamingwood Sewer and Water Association, Inc., and to increase the existing withdrawal limit of 17 mg/30 days from all wells to 22.32 mg/30 days. The project is located in Lake Township, Wayne County, Pennsylvania.

11. *City of Dover D-88-49 CP*. An application for approval of a ground water withdrawal project to supply up to 24.84 mg/30 days of water to the applicant's McKee Run Generating Station from existing Wells E, F, G and H not previously approved by the DRBC. The project is located in the City of Dover, Kent County, Delaware.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David B. Everett concerning docket-related questions. Persons wishing to testify at this hearing

are requested to register with the Secretary prior to the hearing.

## Public Information Notice

### Water Quality Program

The Commission is preparing its water quality program for the fiscal year ending September 30, 1989. Notice of this action is given in accordance with the requirements of the Federal Clean Water Act, as amended. The proposed program will involve a variety of activities in the areas of planning, surveillance, compliance monitoring, regional coordination, use attainability assessment, wasteload allocations and public participation. While the proposed program is not subject to public hearing by the Commission, it is available for examination and review by interested individuals at the Commission's offices upon request. The public review and comment period will end August 8, 1988. Contact Seymour P. Gross for further information.

Susan M. Weisman,  
Secretary.

July 19, 1988.

[FR Doc. 88-16867 Filed 7-26-88; 8:45 am]

BILLING CODE 6360-01-M

## DEPARTMENT OF EDUCATION

### Notice Inviting Application for New Awards for Fiscal Year 1988 Under the Graduate Assistance in Areas of National Need Program; Correction

**ACTION:** Correction notice.

A Notice Inviting Applications for New Awards for Fiscal Year 1988 under the Graduate Assistance in Areas of National Need Program was published in the **Federal Register** on July 6, 1988 in 53 FR 25470. The Office of Management and Budget (OMB) number was inadvertently omitted from that notice. The OMB control number is 1840-0604.

Dated: July 21, 1988.

(Catalog of Federal Domestic Assistance Number 84.202, Graduate Assistance in Areas of National Need Program.)

Kenneth D. Whitehead,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 88-16931 Filed 7-26-88; 8:45 am]

BILLING CODE 4000-01-M

### Law-Related Education Program; Final Funding Priority

**AGENCY:** Department of Education.



**ACTION:** Notice of final funding priority under the Law-Related Education Program.

**SUMMARY:** The Secretary issues a final funding priority for the Law-Related Education Program.

**EFFECTIVE DATE:** This final funding priority takes effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of this priority, please call or write to the Secretary's Discretionary Fund.

**FOR FURTHER INFORMATION CONTACT:** Secretary's Discretionary Fund, 400 Maryland Avenue, SW., Room 4132, Washington, DC 20202. Telephone (202) 732-3566.

**SUPPLEMENTARY INFORMATION:** On May 18, 1988, the Secretary published a Notice of Proposed Funding Priority under the Law-Related Education Program in the *Federal Register* (53 FR 17885). During the 30 day comment period, the Secretary did not receive any comments on the proposed absolute priority. There are no differences between the proposed funding priority and the final priority.

**FINAL ABSOLUTE PRIORITY FOR FISCAL YEAR 1988:** In accordance with 34 CFR 75.105(b) and (c)(3), the Secretary has chosen as an absolute priority civics-related projects focusing on the bicentennial of the U.S. Constitution. Only applications proposing activities under this priority will be considered.

Within this absolute priority, the Secretary encourages applications that will lead to greater knowledge and understanding of "The Federalist Papers," an authoritative analysis of the U.S. Constitution written by Alexander Hamilton, James Madison and John Jay.

The Secretary is particularly interested in supporting projects that will:

- Implement alternative strategies to use "The Federalist Papers" in the national celebration activities of the U.S. Constitution.
- Involve creative use of community resources, including eminent scholars and professionals, to stimulate student interest in and understanding and appreciation of "The Federalist Papers."
- Improve teacher qualifications and skills fostering substantive knowledge about "The Federalist Papers."
- Demonstrate the importance of "The Federalist Papers" to students in a manner that reflects the fundamental principles underlying the U.S. Constitution.

The above examples of ways to implement the absolute priority are only suggestions. Applicants may propose activities other than these examples.

**Applicable Regulations:** (a) The Law-Related Education Program regulations, 34 CFR Part 241; and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78 and 79.

Dated: July 11, 1988.

**Program Authority:** 20 U.S.C. 3851.

(Catalog of Federal Domestic Assistance No. 84.123, Law-Related Education Program)

William J. Bennett,

Secretary of Education.

[FR Doc. 88-16930 Filed 7-26-88; 8:45 am]

BILLING CODE 4000-01-M

## Office of Postsecondary Education

### Availability of Amendments to the 1987-88 National Defense/Direct Student Loan Program/Directory of Designated Low-Income Schools for Teacher Cancellation Benefits

**AGENCY:** Department of Education.

**ACTION:** Notice of availability of amendments to the 1987-88 Directory of low-income schools for cancellation of loans for teaching service.

**SUMMARY:** Institutions and borrowers participating in the Perkins Loan Program and other interested persons are advised that they may obtain information regarding the amendments to the 1987-88 National Defense/Direct Student Loan Program/Directory of Designated Low-Income Schools (Directory). The amendments identify changes in the schools that qualify for teacher cancellation benefits under each of the loan programs.

**DATE:** The amendments to the Director are available on or after July 1, 1988.

**ADDRESS:** Information concerning specific schools listed in the amendments to the Directory may be obtained from Ronald W. Allen, Campus-Based Programs Branch, Division of Program Operations and Systems, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW. [Room 4651, ROB-3], Washington, DC 20202, Telephone (202) 732-3730.

**FOR FURTHER INFORMATION CONTACT:** The amendments to the Directory are available in (1) each of the participating institutions of higher education, (2) each of the fifty-seven (57) State and Territory Departments of Education, and (3) each of the major billing services.

**SUPPLEMENTARY INFORMATION:** The Secretary of Education published a

notice in the *Federal Register* on November 10, 1987 (51 FR 43291) that the 1987-88 National Defense/Direct Student Loan Program/Directory of Designated Low-Income Schools was available. The Secretary has revised the Directory due to the openings and closings of schools, name changes, and other corrections. The amendments to the Directory make these changes.

The procedures for selecting schools for cancellation benefits are described in the National Defense and Direct Student Loan program regulations (34 CFR 674.53, 674.54). The Secretary has determined that for the 1987-88 academic year full-time teaching in the schools set forth in the amendments to the Directory qualifies for cancellation.

The Secretary is providing the amendments to the Directory to each institution participating in the Perkins Loan Program. Borrowers and other interested parties may check with their lending institutions, the appropriate State Department of Education, regional offices of the Department of Education, or the Office of Student Financial Assistance of the Department of Education concerning the identity of qualifying schools for the 1987-88 academic year.

The Office of Student Financial Assistance will retain, on a permanent basis, copies of past, current, and future amendments and the Directories.

(Catalog of Federal Domestic Assistance Number 84.037; National Defense/Direct Student Loan Cancellations.)

Dated: July 20, 1988.

Kenneth D. Whitehead,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 88-16928 Filed 7-26-88; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Determination of Noncompetitive Financial Assistance

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice.

**SUMMARY:** DOE announces that pursuant to 10 CFR 600.7(b)(2), it intends to renew on a noncompetitive basis a grant to the Coalition of Northeast Governors (CONEG) to organize and carry out a Regional Biomass Program in the Northeast Area of the Northern Tier States.

The grant is being renewed for a 1-year period beginning August 9, 1988. The estimated amount is \$645,000.

Procurement Request No.: 05-88OR21389.001.



**Project Scope:** This grant renewal is to continue a Regional Biomass Program in the Northeast Area of the Northern Tier States. The primary purpose is to implement biomass research and development, technology utilization, and technology transfer on a regional basis in manner which will maximize the participation of the public and private sectors of each state. CONEG has the unique capability to equally represent all of the states in the Northeast subregion and involve the appropriate private and public interest groups in the states. CONEG is an existing, regionally organized consortium with background experience in management of similar activities. Eligibility for this study is, therefore, restricted to CONEG.

**FOR FURTHER INFORMATION CONTACT:** Lynda H. McLaren, Energy Technology Branch, Energy Programs Division, U.S. Department of Energy, Oak Ridge, TN 37831-8611, (615-576-1763).

Issued in Oak Ridge, Tennessee, on July 20, 1988.

**Peter D. Dayton,**

*Director, Procurement and Contracts Division, Oak Ridge Operations.*

[FR Doc. 88-16940 Filed 7-25-88; 11:10 am]

BILLING CODE 6450-01-M

## Economic Regulatory Administration

### Final Consent Order with Enron Corp.

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Final action on proposed consent order.

**SUMMARY:** The Department of Energy (DOE) hereby gives the notice required by 10 CFR 205.199] that it has adopted as final the Consent Order with Enron Corporation (Enron) executed on May 12, 1988, and published for comment in 53 FR 22701 on June 17, 1988.

As required by 10 CFR 205.199], DOE provided a period of thirty days following publication of the Notice of Proposed Consent Order for the submission of comments. The ERA received no comments in response to this notice. Accordingly, ERA has determined that the Consent order should be made final without modification. The Consent Order becomes effective as a Final Order of the DOE on the date of publication of this notice.

**FOR FURTHER INFORMATION CONTACT:** Economic Regulatory Administration, 1000 Independence Avenue, SW., RG-30, Washington, DC 20585, (202) 586-8900.

Copies of the Consent Order may be obtained free of charge by written request to "Enron Consent Order Request" at the above address or by calling 586-8900. Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

**SUPPLEMENTARY INFORMATION:** On June 17, 1988, DOE published notice in the *Federal Register* Vol. 53 at page 22701 announcing the execution of a Proposed Consent Order between Enron and DOE. In compliance with the DOE regulations, that notice, and a Press Release issued on June 21, 1988, provided a detailed summary of the Proposed Consent Order and the relevant facts.

As a result of an audit of Enron's compliance with the Federal petroleum price and allocation regulations, disputes arose between the Economic Regulatory Administration (ERA) and Enron concerning Enron's resales of natural gas liquids (NGLs) and natural gas liquid products (NGLPs) during the period of August 19, 1973 through January 27, 1981.

The Consent Order resolves matters in dispute with Enron as detailed in the notice and all other civil and administrative claims or causes of action regarding Enron's compliance with and obligations under the Federal petroleum price and allocation regulations.

Pursuant to the Consent Order, Enron shall pay \$48 million including interest within 30 days of the date the Consent Order is made final. ERA will petition DOE's Office of Hearings and Appeals to implement special refund procedures pursuant to 10 CFR Part 205, Subpart V, to distribute all amounts paid by Enron, pursuant to the Consent Order.

As noted, no comments were received in response to the notice of the Proposed Consent Order. Accordingly, ERA has determined to adopt the Proposed Consent Order without modification as a final order of the DOE, pursuant to 10 CFR 205.199]. The Consent Order becomes effective upon publication of this notice.

Issued in Washington, DC, on July 21, 1988.

**Milton C. Lorenz,**

*Chief Counsel, Office of Enforcement Litigation, Economic Regulatory Administration.*

[FR Doc. 88-16941 Filed 7-26-88; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 88-14-NG]

### Natural Gas Marketing Services Cooperative Association Inc.; Order Granting Blanket Authorization To Import Natural Gas

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Notice of order granting blanket authorization to import natural gas.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Natural Gas Marketing Services Cooperative Association, Inc. (NGMS) blanket authorization to import natural gas. The order issued in ERA Docket No. 88-14-NG authorizes NGMS to import up to 3.6 Bcf of natural gas over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, July 21, 1988.

**Constance L. Buckley,**

*Acting Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 88-16942 Filed 7-26-88; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket No. RP88-215-000]

### CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 21, 1988.

Take notice that CNG Transmission Corporation (CNG) on July 14, 1988, filed First Revised Sheet Nos. 71, 72, 102, 103 and 104 of Volume 1.

The proposed effective date is August 15, 1988. CNG states that the tariff sheets amend Rate Schedule TF by allowing for the transportation of gas to third party storage facilities by CNG.

Copies of the filing were served upon CNG's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of



Practice and Procedure (18 CFR 385.211, 385.214). All motions of protests should be filed on or before July 28, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-16840 Filed 7-26-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-217-000]

**CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff**

July 21, 1988.

Take notice that CNG transmission Corporation (CNG) on July 15, 1988 filed the following revised tariff sheets all to Original Volume No. 1 of its tariff:

Original Sheet Nos. 40 through 45  
Original Sheet Nos. 160A through 160E  
First Revised Sheet Nos. 51, 52, 58, 60, 85 and 86

Alternate Original Sheet Nos. 45 and 160D

The proposed effective date is June 1, 1988.

CNG states that the tariff filing is being made to recover take-or-pay and contract reformation costs which its pipeline suppliers will bill to CNG. As a downstream supplier, CNG has proposed to recover 100% of such costs on an as-billed basis, pursuant to § 2.104 of the Commission General Policy and Interpretations. In allocating its pipeline suppliers' costs among its customers, CNG has utilized the same deficiency-based formula employed by the respective pipeline supplier in allocating its take-or-pay costs to CNG, except with regard to the allocation of take-or-pay costs incurred by CNG from Transcontinental Gas Pipe Line Corporation (Transco). The major portion of Transco's take-or-pay costs were allocated to Transco pursuant to an agreement between Transco and CNG regarding CNG's purchases under Transco's Rate Schedule ACQ. The alternate tariff sheets reflect the flowthrough of Transco's take-or-pay costs on an as-billed basis.

CNG states that if changes in allocation methodology are ordered in dockets pending before the Commission or the Court of Appeals, it will file to revise its allocation methodology.

Copies of this filing were served upon CNG's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.214 and 385.211). All motions or protests should be filed on or before July 28, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-16841 Filed 7-26-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-95-003]

**Canyon Creek Compression Co.; Proposed Changes in FERC Gas Tariff**

July 21, 1988.

Take notice that Canyon Creek Compression Company (Canyon) on July 15, 1988, filed proposed changes in its FERC Gas Tariff, Original Volume No. 1 to become effective May 1, 1988.

Canyon states that the intent of this filing is to comply with Paragraph (D) of the Commission's June 30, 1988, Order in Docket No. RP88-95-001.

A copy of this filing was mailed to Canyon's customers and all parties set out on the official service list at Docket No. RP88-95-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before July 28, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-16842 Filed 7-26-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-219-000]

**Colorado Interstate Gas Co.; Proposed Changes in FERC Gas Tariff**

July 22, 1988.

Take notice that Colorado Interstate Gas Company (CIG) on July 15, 1988, tendered for filing certain revisions to its FERC Gas Tariff, First Revised Volume No. 1-A. CIG states that the revisions proposed include specific information required from a Shipper for a valid request for transportation service, including certain items required in the transportation request log. CIG further states that such revisions are being proposed to comply with Order No. 497 (Docket No. RM87-5-000) issued June 1, 1988. An effective date of July 14, 1988, is requested for the revised tariff sheets which coincides with the effective date of Order No. 497. These tariff sheets are submitted by CIG without prejudice to any further submittal of tariff sheets following Commission action on CIG's Request for Rehearing of Order No. 497.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 214 or Rule 211 (18 CFR 385.214 or 385.211) of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before July 29, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-16922 Filed 7-26-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-192-002]

**National Fuel Gas Supply Corp.; Proposed Changes in FERC Gas Tariff**

July 21, 1988.

Take notice that on July 15, 1988, National Fuel Gas Supply Corporation ("National") tendered for filing the following tariff sheets as part of its FERC Gas Tariff, First Revised Volume No. 1:

Third Revised Sheet No. 59  
Fourth Revised Sheet No. 60  
Fourth Revised Sheet No. 61  
Third Revised Sheet No. 62  
Fourth Revised Sheet No. 63



Fourth Revised Sheet No. 64  
 Fourth Revised Sheet No. 65  
 Fifth Revised Sheet No. 66  
 Fourth Revised Sheet No. 67  
 Fourth Revised Sheet No. 68

National states that the purpose of the filing is to further revise its FERC Gas Tariff, First Revised Volume No. 1 to comply with the Commission's order issued National in Docket No. RP88-120-000 on May 31, 1988, and to reflect the PGA tariff changes adopted by the Commission in Order Nos. 483 and 483-A.

National states that, specifically, it proposes to revise the general terms and conditions of its FERC Gas Tariff to provide for interim rate adjustments, consistent with § 154.306 of the Commission's Regulations. In addition, National proposes to revise the general terms and conditions of its FERC Gas Tariff to provide for the filing of reports with its annual PGA filing to permit the Commission to assess National's past performance. Further, National proposes revised tariff provisions permitting cash refunds or transfers to the deferred account of refund balances existing at the end of a deferral period, all as required under the Commission's Regulations.

National also states that its filing reflects minor changes to its tariff language suggested by the Commission's Staff at the technical conference previously ordered in this proceeding.

The proposed effective date of the revised tariff sheets is June 1, 1988.

National states that copies of this filing were served upon the Company's jurisdictional customers and the regulatory commissions of the States of New York, Ohio, Pennsylvania, Delaware, and New Jersey.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with Rule 214 of the Commission's Procedural Rules (18 CFR 385.214). All such motions or protests should be filed on or before July 28, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 88-16843 Filed 7-26-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ88-2-37-001]

# **Northwest Pipeline Corp.; Change in FERC Gas Tariff**

July 21, 1988.

Take notice that on July 14, 1988, Northwest Pipeline Corporation ("Northwest") filed Sixth Amended Thirty-Ninth Revised Sheet No. 10 in compliance with the Federal Energy Regulatory Commission ("Commission") order issued June 30, 1988 in the above-captioned docket.

Northwest states that the tariff sheet mentioned above was filed to adjust the demand portion of its jurisdictional gas sales rates to be effective July 1, 1988. Such adjustment is the result of: (1) Revised demand billing determinants due to CD conversions by Northwest's customers; and (2) a revision of estimated annual Canadian toll credits. Northwest requests an effective date of July 1, 1988, for the aforementioned tariff sheet.

A copy of this filing been mailed to Northwest's jurisdictional customers and affected state commissions.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before July 28, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 88-16844 Filed 7-26-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-47-008]

# **Northwest Pipeline Corp.; Change in FERC Gas Tariff**

July 22, 1988.

Take notice that on July 18, 1988, Northwest Pipeline Corporation ("Northwest"), in compliance with the order issued by the Federal Energy Regulatory Commission ("Commission") on May 18, 1988 in Docket No. RP88-47-000, submitted the following tariff sheets to be a part of its FERC Gas Tariff.

## *First Revised Volume No. 1*

Forty-First Revised Sheet No. 10  
 Twenty-Third Revised Sheet No. 10-A  
 Third Revised Sheet No. 15  
 Second Revised Sheet No. 16-A  
 First Revised Sheet No. 16-B  
 First Revised Sheet No. 21-B  
 Fourth Revised Sheet No. 26  
 Third Revised Sheet No. 28  
 First Revised Sheet No. 28-A  
 Original Sheet No. 29  
 Original Sheet No. 30  
 First Revised Sheet No. 120  
 Second Revised Sheet No. 121  
 Original Sheet No. 121-A  
 Third Revised Sheet No. 300  
 Third Revised Sheet No. 301  
 Third Revised Sheet No. 302  
 Second Revised Sheet No. 303

## *Original Volume No. 1-A*

First Revised Sheet No. 1  
 Substitute Fourteenth Revised Sheet No. 201  
 Substitute Fourth Revised Sheet No. 202  
 Substitute Second Revised Sheet No. 313  
 First Revised Sheet No. 317  
 First Revised Sheet No. 318  
 Substitute Original Sheet No. 319  
 Original Sheet Nos. 320 through 399  
 First Revised Sheet No. 601  
 Substitute Original Sheet No. 602

## *Original Volume No. 2*

Substitute Thirteenth Revised Sheet No. 2  
 Substitute Fifth Revised Sheet No. 2.1  
 Substitute Fifth Revised Sheet No. 2.2  
 Substitute Fifth Revised Sheet No. 2.3  
 Substitute Ninth Revised Sheet No. 2-A  
 Substitute Third Revised Sheet No. 2-A.1  
 Substitute Fourteenth Revised Sheet No. 2-B  
 Substitute Fourth Revised Sheet No. 3

Northwest states the purpose of this filing is to revise the above listed tariff sheets to comply with the Commission's order, to reflect customers CD conversions and resulting D-1 revisions and customer's nominations of D-2 service levels and tariff sheets establishing procedures for implementing D-2 nominations. These tariff sheets are proposed to be made effective as of July 3, 1988, the date the suspended rates became effective subject to refund in this proceeding.

A copy of this filing is being served on all affected customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214



and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before July 29, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 88-16923 Filed 7-26-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-216-000]

**Texas Eastern Transmission Corp;  
Proposed Changes in FERC Gas Tariff**

July 21, 1988.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on July 14, 1988 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets:

Second Revised Sheet No. 301

Original Sheet No. 305A

Second Revised Sheet No. 327

Second Revised Sheet No. 330

Original Sheet No. 330A

Third Revised Sheet No. 440

Third Revised Sheet Nos. 484-489

Third Revised Sheet Nos. 490-522

Third Revised Sheet Nos. 523-599

Texas Eastern states that by Order No. 497 issued June 1, 1988 the Commission revised its regulations to address possible abuses in the relationship between interstate pipelines and their marketing or brokering affiliates. Texas Eastern is making this instant filing pursuant to the rules under § 250.16 of the Commission's revised Regulations in order to set forth as part of Texas Eastern's FERC Gas Tariff as stated by Paragraph (b)(2) of § 250.16 the specific information and format required from a shipper for a valid request for transportation service, including the items of information in paragraph (b)(6) of § 250.16 for which Texas Eastern must maintain a log. Texas Eastern will make an additional filing before September 12, 1988, in order to set forth new tariff provisions that contain the information and procedures described in paragraphs (b)(1), (b)(3) and (b)(4) of § 250.16 of the Commission's revised Regulations.

Texas Eastern states that Sheet Nos. 305A and 330 through 330A have been revised to reflect additional supply information required from shippers

requesting transportation under Rate Schedules FT-1 and IT-1 respectively. Sheet Nos. 490 through 522 set forth Texas Eastern's standardized request forms for transportation service under Rate Schedules FT-1 and IT-1 and request forms for amendments to effective Service Agreements under Rate Schedules FT-1 or IT-1 (Section 33 of the General Terms and Conditions). These forms must be completed by all shippers requesting transportation service under Rate Schedules FT-1 and IT-1. The standardized request forms are submitted in accordance with the requirements of paragraph (b)(2) of § 250.16 of the regulations promulgated by the Commission's Order No. 497. Sheet Nos. 301 and 327 were revised to include references to the request forms for transportation set forth in Section 33 of the General Terms and Conditions.

Texas Eastern states that the tariff sheets filed herewith are proposed to be effective July 14, 1988, the effective date of the Commission's revised Regulations.

Copies of this filing were served on Texas Eastern's jurisdictional customers, interested state commissions and all current Rate Schedule IT-1 shippers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures. All such motions or protests should be filed on or before July 28, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-16845 Filed 7-26-88; 8:45 am]

BILLING CODE 6716-01-M

[Docket No. RP88-115-003]

**Texas Gas Transmission Corp.; Filing**

July 21, 1988.

Take notice that on July 14, 1988, Texas Gas Transmission Corporation (Texas Gas) filed Substitute Original Sheet Nos. 10, 20 and 60 to its FERC Gas Tariff, Original Volume No. 2-A, proposed to be effective November 1, 1988.

Texas Gas states that on June 30, 1988, it made a compliance filing pursuant to the Commission's order of May 31, 1988 and that certain tariff sheets failed to include the removal of references to take-or-pay payment cost recovery and standby sales service. Texas Gas requests that Substitute Original Sheet Nos. 10, 20 and 60 be included as part of the June 30, 1988 compliance filing.

Texas Gas states that these sheets will be mailed to all its customers and all persons on the official service list for Docket No. RP88-115-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1987)). All such motions or protests should be filed on or before July 28, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-16846 Filed 7-26-88; 8:45 am]

BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL-3417-9]

**Leather Tanning and Finishing  
Industry Point Source Category  
Effluent Limitations Guidelines,  
Pretreatment Standards, and New  
Source Performance Standards**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice identifying a leather tanning company in the City of South Saint Paul, Minnesota, to which the sulfide pretreatment standards shall not apply as provided by 40 CFR 425.04 (47 FR 52848).

**SUMMARY:** The Metropolitan Waste Control Commission (MWCC) operates a publicly owned treatment works (POTW) which had in the past and will in the future accept wastewater from a tannery that is subject to pretreatment standards of 40 CFR Part 425. The MWCC was requested by the tannery to



waive the categorical sulfide pretreatment standard applicable to its wastewater discharge. The tannery to which the sulfide pretreatment standards shall not apply is: Twin City Tanning, Incorporated, 501 Malden Street, South Saint Paul, Minnesota.

**FOR FURTHER INFORMATION CONTACT:** David Rankin, Region V Pretreatment Coordinator, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2105.

**SUPPLEMENTARY INFORMATION:** On November 23, 1982, the Environmental Protection Agency promulgated Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Leather Tanning and Finishing Industry Point Source Category (47 FR 52848). These regulations established categorical pretreatment standards for the discharge of sulfides by tanneries to publicly owned treatment works (POTW). The regulations also established a procedure in § 425.04(c) to waive the applicability of the sulfide pretreatment standard to the affected tanneries by the POTW.

These regulations became effective on January 6, 1983, except § 425.04 (b) and (c) which contained information collection requirements that had to be reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511). On June 30, 1983, a notice was published in the *Federal Register* that OMB had approved the information collection requirements. Applicable reporting dates previously specified in § 425.04 (b) and (c) were subsequently revised with final corrections published on August 5, 1983 (48 FR 35649). As previously stated, POTWs with tanneries tributary to their treatment works and regulated by the Leather Tanning regulations may optionally apply on tanneries' behalf for a waiver from the categorical sulfide pretreatment standard provided that the POTW can certify that the regulated tanneries' sulfide discharges do not interfere with the operation of the treatment works. This sulfide waiver request must comport with the requirements listed in § 425.04 (b) and (c), as well as satisfy the requirements contained in the National Sulfide Criteria Document. The applying POTW must first conduct a public notice of their intent to waive the sulfide standard, conduct a public hearing (if one is requested), and submit a certification statement to the Regional Water Division Director with

documentation supporting the noninterference claim. The MWCC issued a public notice on March 7, 1983, in the *Minneapolis Star and Tribune* which presented the findings supporting MWCC's determination that the discharge of sulfides from the tannery does not interfere with the operation of the treatment works. Public comments were received from Citizens for a Better Environment and the Minnesota Pollution Control Agency (MPCA). A public meeting was held on May 5, 1983, at which the comments were addressed. No formal public hearing was requested or held. Subsequently, MWCC submitted to the Regional Water Division Director its written certification statement, as well as information and data which it considered relevant factors, including:

1. The presence and characteristics of other industrial wastewaters which can increase or decrease sulfide concentrations, pH, or both;
2. The characteristics of the sewer/interceptor collection system which either minimize or enhance opportunities for the release of hydrogen sulfide gas;
3. The characteristics of the receiving POTW's headworks, preliminary and primary treatment systems, and sludge holding and dewatering facilities which either minimize or enhance opportunities for the release of hydrogen sulfide gas; and
4. The occurrence of any prior sulfide related interference as defined in § 425.02(j).

The Region has carefully reviewed all supporting documentation and has determined that the MWCC has considered all the relevant factors, as required by 40 CFR 425.04 (b) and (c) and the National Sulfide Waiver Criteria Document. The following summarizes the steps taken by the Region regarding this request.

The Region reviewed the information the MWCC supplied on the point of discharge of the applying tannery to the treatment service area, as well as a description of its operations and characteristics of its discharge. Twin City Tanning intends to operate the tanning facility in a through-the-blue capacity. Through-the-blue is defined in 40 CFR 425.60. Thru-Blu Division of Fred Rueping Leather Company, which ceased operations in July 1985, formerly operated the tanning facility. Twin City Tanning intends to operate the former Thru-Blu facility in the same manner as when operations ceased. Twin City Tanning is the only tannery in the receiving treatment plant's service area.

Additionally, the MWCC states that there are no other industries that are expected to contribute a significant amount of sulfide to the POTW, or cause a significant change in wastewater pH.

The tanning facility's wastewater discharges directly into a 54-inch sanitary Inver Grove Heights (IGH) interceptor which flows by gravity, with no known stagnant or anaerobic areas, approximately two-thirds of a mile to the South Saint Paul (SSP) Lift Station. The wastewater is then pumped through the 48-inch SSP force main to the Metro WWTP. On May 4, 1983, the IGH interceptor was inspected to assess sewer damage related to Thru-Blue, Inc. The inspection concluded that "severe acid corrosion due to hydrogen sulfide was noted \* \* \*. Although this represents severe damage, sufficient structural capacity remains to preclude any structural failure at this time. However, any further acid corrosion due to hydrogen sulfide should be prevented in order to maintain remaining structural capacity." During subsequent inspections, however, it was discovered that the actual wall thickness of the pipe was not 5½ inches, as original design plans had called for, but 7½-9 inches and that the severity of the corrosion was grossly exaggerated in the May 4, 1983, inspection report. In addition, the MWCC feels that proper pH control and chromium recovery of the tanning facility's discharge, in conjunction with the amount of dilution, is adequate to prevent further corrosion damage due to hydrogen sulfide formation in the interceptor.

Odor problems are being controlled at the SSP Lift Station by a system which takes air from the influent channels and general Lift Station areas, passes this air through caustic-impregnated activated carbon, and exhausts the treated air to the outside. In addition, enclosed areas at the Metro WWTP are ventilated and odor control systems are in operation. The MWCC has adopted specific confined space entry procedures for all personnel entering sewers/interceptors. All personnel are trained in these procedures. There have been no reported health problems related to hydrogen sulfide exposure.

All industrial users in the Metropolitan area are required to comply with the MWCC Waste Discharge Rules (WDR) via MN Rules Sections 5900.1600-5900.7500, including obtaining an Industrial Discharge Permit from the MWCC. Twin City Tanning has been issued a permit for the proposed tanning facility's discharge and is required to meet all applicable limits.



The WDR contain specified Prohibited Wastes, and the permit contains local limitations and categorical standards.

This determination applies only to the sulfide pretreatment standard and will be contingent upon the MWCC's and the affected tannery's adherence to the following conditions. Failure to comply with the specified conditions can be considered grounds for the Region's withdrawal of this waiver after formal notice to the MWCC and the affected tannery:

1. Upon startup of the facility, Twin City Tanning shall be required to carry out a 2-year program to: (a) Investigate solids/sulfide reduction in the beamhouse wastestream; and (b) design an appropriate pretreatment system, based on the results of this investigation. The schedule is outlined in Industrial User Permit #0784 for Twin City Hide.

2. The MWCC shall inspect the sewer downstream of Twin City Tanning for sludge buildup, as well as any additional acid damage. These inspections are to be done semi-annually. Reports on these inspections shall be available for review by the Region upon request.

3. The MWCC shall operate and maintain the odor control system at the SSP Lift Station.

4. The MWCC will initially issue a waiver to Twin City Tanning for a period of 2 years. After this time, the MWCC shall submit for the Region's review the determination as to whether or not the waiver will remain in effect. Included with this submittal shall be all applicable information used to assess Twin City Tanning's impacts on the Metropolitan Disposal System.

All other pretreatment standards for existing sources contained in 40 CFR Part 425, will remain in effect for this tannery. These requirements do not replace any more stringent conditions required by the MWCC and MPCA.

Therefore, pursuant to § 425.04(c), and in consideration of the representations and information provided by the MWCC, I hereby grant this waiver of sulfide requirements set forth in the Leather Tanning and Finishing Pretreatment Standards for Twin City Tanning, Incorporated in South Saint Paul, Minnesota.

Dated: July 13, 1988.

Valdas V. Adamkus,

Regional Administrator, Region V.

[FR Doc. 88-16544 Filed 7-26-88; 8:45 am]

BILLING CODE 5560-50-M

[PP 6F3446 AND FAP 6H5508; FRL-3420-6]

### Ciba-Geigy Corp.; Withdrawal of Pesticide Petitions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; withdrawal of petitions.

**SUMMARY:** This document announces that the Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419, has withdrawn pesticide petition (PP) 6F3446, which proposed amending 40 CFR 180.404 by establishing a tolerance for the combined residues of the insecticide profenofos in or on the agricultural commodity soybeans at 1.0 part per million (ppm), and feed additive petition (FAP) 6H5508, which proposed amending 21 CFR 561.53 by establishing a regulation to permit the combined residues of profenofos in or on the animal feed commodities soybean hulls and soybean meal at 2.0 ppm.

#### FOR FURTHER INFORMATION CONTACT:

By mail:

William H. Miller, Product Manager (PM) 16, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 211, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-557-2600.

Authority: 21 U.S.C. 346a and 348.

Dated: July 18, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-16887 Filed 7-26-88; 8:45 am]

BILLING CODE 5560-50-M

[PP 4G3047 and PP 5G3217/T566 FRL 3418-2]

### Pyridate; Establishment of Temporary Tolerances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has established temporary tolerances for residues of the herbicide pyridate in or on certain raw agricultural commodities. These temporary tolerances were requested by Gilmore Incorporation.

**DATE:** These temporary tolerances expire May 1, 1989.

**FOR FURTHER INFORMATION CONTACT:** By mail:

Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs,

Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-1800.

**SUPPLEMENTARY INFORMATION:** John W. Kennedy Consultants, Inc., 9101 Cherry Lane, Suite 113, Laurel, MD 20708-1133, has requested in pesticide petitions (PP) 4G3047 and (PP) 5G3217 the establishment of temporary tolerances for residues of the herbicide pyridate [O-(6-chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate] derived from its application in or on the raw agricultural commodities: Corn grain, corn forage, corn silage, corn fodder, peanut nutmeat, peanut hay, and peanut hulls at 0.03 part per million (ppm). These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permits 42545-EUP-1 and 42545-EUP-2, which are being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permits and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permits.

2. Gilmore Inc., must immediately notify the EPA of any findings from the experimental uses that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire May 1, 1989. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permits and temporary tolerances. These tolerances may be revoked if the experimental use permits are revoked or if any experience with or scientific data on this pesticide indicate that such



revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

Authority: (21 U.S.C. 346a(j)).

Dated: July 12, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-16405 Filed 7-26-88; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 88-335]

### Applications For Consolidated Proceeding; Morris Courtright, Jr., and Phyllis J. Courtright et. al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Morris Courtright, Jr., & Phyllis J. Courtright, Sedona, AZ.	BPH-870501MA...	88-335
B. Rap Broadcasting Corporation, Sedona, AZ.	BPH-870506MB.....	
C. Michael D. Mahaffey, Sedona, AZ.	BPH-870506MD.....	
D. Sinclair Telecable, Inc., Sedona, AZ.	BPH-870506KA.....	
E. Sedona FM Broadcast Limited Partnership, Sedona, AZ.	BPH-870506MC.....	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986.

The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

#### Issue Heading and Applicants

1. Environmental, A11
2. Air Hazard, A, C, E
3. Comparative, A11
4. Ultimate, A11

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88-16897 Filed 7-26-88; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 88-309]

### Applications For Consolidated Hearing; Monroe-Livingston Radio Associates et. al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Monroe-Livingston Radio Associates Honeoye Falls, NY.	BPH-870817MI....	88-309
B. Sima Birach Honeoye Falls, NY.	BPH-870818MA.....	
C. Mary Ann Hurlburt, et al., d/b/a HFH Communications Associates Honeoye Falls, NY.	BPH-870819NG.....	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

#### Issue Heading and Applicants

1. Comparative, A, B, C
2. Ultimate, A, B, C

3. If there are any non-standardized issues in this proceeding, the full text of the issues and the applicants to which they apply are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88-16896 Filed 7-26-88; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 88-327]

### Applications For Consolidated Hearing; Hector Nicolau et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city and state	File No.	MM Docket No.
A. Hector Nicolau, Fajardo, PR.	BPCT-871208KE.....	88-327
B. East Coast Telecasters Co., L.P., Fajardo, PR.	BPCT-880209KF.....	
C. Damarys De Jesus, Fajardo, PR.	BPCT-880209KH.....	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

#### Issue Heading and Application(s)

- Air Hazard, A, B, C  
Comparative, A, B, C  
Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying



during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 88-16898 Filed 7-26-88; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 88-308]

**Applications For Consolidated Hearing; Real Life Educational Foundation of Baton Rouge, Inc., et al.**

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Real Life Educational Foundation of Baton Rouge, Inc., Baton Rouge, LA.	BPED-840322 CA.	88-308
B. Jimmy Swaggart Ministries, Baton Rouge, LA.	BPED-840822IF	
C. Radio for the Blind & Print Handicapped, Inc., Baton Rouge, LA.	BPED-840822IG	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name above is used below to signify whether the issue in question applies to that particular applicant.

**Issue Heading and Applicant(s)**

- Comparative-Noncommercial Educational FM, A, B, C
- Ultimate, A, B, C

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicant to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may

also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88-16899 Filed 7-26-88; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 88-334]

**Applications For Consolidated Hearing; Karl H. Stoll et al**

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city and state	File No.	MM Docket No.
A. Karl H. Stoll, Greenville, NC.	BPCT-871112KF.	88-334
B. Coastal Plain Television, Inc., Greenville, NC.	BPCT-880114KJ.	
C. Community Service Telecasters, Inc. WGTJ (TV), Greenville, NC.	BMPCT-880114KM.	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

**Issue Heading and Applicant(s)**

- Air Hazard, A, B  
Comparative, A, B, C  
Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW.,

Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart, Chief,

Video Services Division, Mass Media Bureau.

[FR Doc. 88-16900 Filed 7-26-88; 8:45 am]

BILLING CODE 6712-01-M

**FEDERAL MARITIME COMMISSION**

**Agreement(s) Filed**

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

**Agreement No.:** 202-010636-044

**Title:** U.S. Atlantic-North Europe Conference

**Parties:** Atlantic Container Line, B.V., Orient Overseas Container Line (UK) Ltd., Hapag-Lloyd AG, Sea-Land Service, Inc., A.P. Moller-Maersk Line, Gulf Container Line (GCL), B.V., P&O Containers (TFL) Limited, Compagnie Generale Maritime (CGM), Nedlloyd Lijnen, B.V.

**Synopsis:** The proposed amendment would extend the implementation date of the loyalty contract provisions of Article 5.1(o) to December 1, 1988.

**Agreement No.:** 202-010637-032

**Title:** North Europe-U.S. Atlantic Conference

**Parties:** Atlantic Container Line, B.V., Hapag-Lloyd AG, Sea-Land Service, Inc., Nedlloyd Lijnen, B.V., Gulf Container Line (GCL), B.V., P&O Containers (TFL) Limited, Compagnie Generale Maritime (CGM)

**Synopsis:** The proposed amendment would extend the implementation date of the loyalty contract provisions of Article 5.1(o) to December 1, 1988.

**Agreement No.:** 203-011075-007

**Title:** Central America Discussion Agreement

**Parties:** United States/Central America Liner Association, Nordana Line, Inc., Marine Bulk Carrier, Inc., Nexos Line,



Gran Golfo Express, Thompson Shipping Co., Inc., Maritime Juno, S.A., Concorde Shipping Inc.  
**Synopsis:** The proposed amendment would add Tropical Shipping and Construction Co., Ltd., as a party to the agreement. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: July 20, 1988.

Joseph C. Polking,

Secretary.

[FR Doc. 88-16848 Filed 7-26-88; 8:45 am]

BILLING CODE 6730-01-M

#### Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street, NW., Room 1035. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

**Agreement No.:** 224.200144

**Title:** Alabama State Docks Freight Handling Permit

**Parties:** Alabama State Docks Department (Department); Ceres Gulf, Inc. (Ceres)

**Synopsis:** The agreement grants Ceres a permit to perform or have performed cargo and freight handling services at the Department's facilities at the Port of Mobile pursuant to this agreement and the Department's Tariff No. 1-C.

**Agreement No.:** 224.200146

**Title:** Port of Portland Terminal Use Agreement

**Parties:** Port of Portland (Port); Nippon Yusen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd. (Lines)

**Synopsis:** The agreement provides that the Lines shall have preferential use of a one vessel berth, minimum of two cranes and container yard area (approx. 10 acres) at Terminal 6, Port of Portland. The Lines guarantee the Port a minimum of 15,000 containers per year. The Port agrees to a per-container wharfage and dockage rate of \$42 and a reduced rate of \$40 for

volume over 17,250 containers per year.

**Agreement No.:** 224.200145

**Title:** Alabama State Docks Freight Handling Permit

**Parties:** Alabama State Docks Department (Department); Mosley's General Services, Inc. (MGS)

**Synopsis:** The proposed agreement permits MGS to perform cargo handling services at Alabama's Port of Mobile terminal facilities pursuant to this agreement and the Department's Tariff No. 1-C.

By Order of the Federal Maritime Commission.

Tony P. Kominoth,

Assistant Secretary.

Dated: July 22, 1988.

[FR Doc. 88-16936 Filed 7-26-88; 8:45 am]

BILLING CODE 6730-01-M

#### Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

**Agreement No.:** 202-010636-045

**Title:** U.S. Atlantic-North Europe Conference

**Parties:** Atlantic Container Line, B.V.; Orient Overseas Container Line (UK) Ltd.; Hapag-Lloyd AG; Sea-Land Service, Inc.; A.P. Moller-Maersk Line; Gulf Container Line (GCL), B.V.; P&O Containers (TFL) Limited; Compagnie Generale Maritime (CGM); Nedlloyd Lijnen, B.V.

**Synopsis:** The proposed amendment would further clarify the parties' authority regarding open and closed rates.

**Agreement No.:** 202-010637-033.

**Title:** North Europe-U.S. Atlantic Conference.

**Parties:** Atlantic Container Line, B.V.; Hapag-Lloyd AG; Sea-Land Service, Inc.; Nedlloyd Lijnen, B.V.; Gulf Container Line (GCL), B.V.; P&O

Containers (TFL) Limited; Compagnie Generale Maritime (CGM)

**Synopsis:** The proposed amendment would further clarify the parties' authority regarding open and closed rates.

By Order of the Federal Maritime Commission.

Dated: July 22, 1988.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 88-16918 Filed 7-26-88; 8:45 am]

BILLING CODE 6730-01-M

#### [Docket No. 88-18]

#### Votainer BV, et al. v. Atlantic Container Line et al.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Votainer BV, Votainer Consolidation Services (California) Inc., Votainer Consolidation Services (Chicago) Inc., Votainer Consolidation Services (New York) Inc., and Summar Agency Ltd. ("Complainants") against Atlantic Container Line, Dart Containerline, Hapag-Lloyd, Puerto Rico Maritime Shipping Authority, Sea-Land Service, Inc., Trans Freight Lines, New York Shipping Association, Council of North Atlantic Shipping Associations, West Gulf Maritime Association, Mobile Steamship Association, Inc., and Southeast Florida Employers Port Association ("Respondents") was served July 22, 1988. Complainants allege that Respondents have violated certain sections of the Shipping Act, 1916, 46 U.S.C. app. Section 801 *et seq.*, the Intercoastal Shipping Act, 1933, 46 U.S.C. app. 843 *et seq.*, the Shipping Act of 1984, 46 U.S.C. app. 1701 *et seq.*, through implementation of the "50-Mile Container Rules" at various East Coast and/or Gulf Coast ports.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this



proceeding shall be issued by July 24, 1988, and the final decision of the Commission shall be issued by November 24, 1989.

Tony P. Kominoth,  
Assistant Secretary.

[FR Doc. 88-16937 Filed 7-26-88; 8:45 am]

BILLING CODE 6730-01-M

### Survey of Non-Vessel Operating Common Carriers

The Federal Maritime Commission recently sent surveys to NVOCCs seeking their views as to the impact of the Shipping Act of 1984, 46 U.S.C. app. 1701 *et seq.* ("1984 Act"). The survey is being conducted as part of a five-year study mandated in section 18 of the 1984 Act, which directed the Federal Maritime Commission to "collect and analyze information concerning the impact of this Act upon the international ocean shipping industry," and to present its findings to an Advisory Commission on Conferences in Ocean Shipping, to be convened five and one half years after enactment of the 1984 Act. This is the first survey sent to NVOCCs.

The Federal Maritime Commission would like its survey to have the widest possible distribution. All interested NVOCCs who have not received a copy of the survey are urged to contact: Richard Spiegel, Bureau of Economic Analysis, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, telephone (202) 523-5870.

July 21, 1988.

Joseph C. Polking,  
Secretary.

[FR Doc. 88-16847 Filed 7-26-88; 8:45 am]

BILLING CODE 6730-01-M

### FEDERAL RESERVE SYSTEM

#### Agency Forms Under Review

July 21, 1988.

#### Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulation on Controlling Paperwork Burdens on the Public).

#### FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)

OMB Desk Officer—Robert Neal, Jr.—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7340)

*Proposal to approve under OMB delegated authority the implementation of the following report:*

*Report Title:* Report of Proceeds From Outstanding Sales to Nonexempt Entities of Short-Term Loans Made Under Long-Term Lending Commitments.

*Agency Form Number:* FR 2916.

*OMB Docket Number:* 7100-0087.

*Frequency:* Weekly.

*Reporters:* Depository institutions.

*Annual Reporting Hours:* 650.

*Estimated Average Hours Per*

*Response:* ¼ hour.

Small businesses are not affected.

*General Description of Report:*

This information collection is mandatory (12 U.S.C. 248(a), 461 and 3105(b)(2)) and is given confidential treatment (5 U.S.C. 552b(4) and b(8)).

The FR 2916 report will collect information on the proceeds of sales to nonexempt entities of short-term loans made under long-term lending commitments that are included in the respondent's weekly FR 2900 report. The report will be collected weekly from those depository institutions that file the FR 2900 report weekly and that have more than \$1 million of such sales outstanding any day of the week. The FR 2916 report will be used to determine the size of this activity in order to assess its effects on the demand for reserves and to make appropriate adjustments in the monetary aggregates.

Board of Governors of the Federal Reserve System, July 21, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-16853 Filed 7-26-88; 8:45 am]

BILLING CODE 6210-01-M

#### Agency Forms Under Review

July 20, 1988.

#### Background

Notice is hereby given of the submission of proposed information collection(s) to the Office of Management and Budget (OMB) for its review and approval under the Paperwork Reduction Act (Title 44 U.S.C. Chapter 35) and under OMB regulations on Controlling Paperwork Burdens on the Public (5 CFR Part 1320). A copy of the proposed information collection(s) and supporting documents is available from the agency clearance officer listed in the notice. Any

comments on the proposal should be sent to the OMB desk officer listed in the notice. OMB's usual practice is not to take any action on a proposed information collection until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

#### FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)

OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7340)

*Request for OMB approval to extend, without revision, the following report:*

*Report Title:* Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks

*Agency Form Number:* FFIEC 002

*OMB Docket Number:* 71-0032

*Frequency:* Quarterly

*Reporters:* U.S. branches and agencies of foreign banks

*Estimated Number of Respondents:* 510

*Average Hours Per Response:* 18.44

*Annual Reporting Hours:* 37,618

Small businesses are not affected.

*General Description of Report:*

This information collection is mandatory (12 U.S.C. 3105(b)(2), 1817(a)(1) and (3), 3102(b)). Certain portions are given confidential treatment (5 U.S.C. 552(b)(8)).

This interagency report provides balance sheet information for all U.S. branches and agencies of foreign banks, to fulfill the supervisory and regulatory requirements of the International Banking Act of 1978. The data are also used to augment the bank credit, loan and deposit information needed for monetary policy purposes. The report is collected and processed by the Federal Reserve on behalf of all three federal banking agencies.

Board of Governors of the Federal Reserve System, July 20, 1988.

William W. Wiles

Secretary of the Board.

[FR Doc. 88-16850 Filed 7-26-88; 8:45 am]

BILLING CODE 6210-01-M

#### Application To Engage de Novo in Permissible Nonbanking Activities; Security Pacific Corp.; Correction

This notice corrects a previous Federal Register notice (FR Doc. 87-



16209) published at page 27058 of the issue for July 17, 1987.

Under the Federal Reserve Bank of San Francisco, the entry for Security Pacific Corporation is revised to read as follows:

**A. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Pacific Corporation*, Los Angeles, California; to engage *de novo* through its subsidiary, SP Investment Strategies Corp.; San Diego, California ("SPISCO"), in providing investment advice, including counsel, publications, written analyses and reports, as a futures commission merchant or commodity trading advisor registered with the Commodity Futures Trading Commission on financial futures and options on futures to the extent permitted by § 225.25(b)(19) of the Board's Regulation Y (SPISCO will not, however, register as a commodity trading advisor with the CFTC nor serve as a futures commission merchant); and providing portfolio investment advice pursuant to § 225.25(b)(4)(iii).

Comments on this application must be received by August 12, 1988.

Board of Governors of the Federal Reserve System, July 21, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-18851 Filed 7-26-88; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control

#### Cooperative Agreement for Risk Reduction Through Physical Activity Within Minority Populations; Program Announcement and Availability of Funds for Fiscal Year 1988

##### Introduction

The Centers for Disease Control (CDC) announces the availability of funds in Fiscal Year 1988 for a Cooperative Agreement for the design, implementation, and evaluation of a program for risk reduction through physical activity within minority populations.

##### Authority

The program is authorized under section 301 of the Public Health Service Act (42 U.S.C. 241), as amended. The Catalog of Federal Domestic Assistance Number is 13.283.

### Background and Objectives

There is strong epidemiologic evidence suggesting that physical activity may have beneficial health effects. The Public Health Service has proposed 11 physical and exercise objectives for 1990 to help Americans achieve such benefits. Objective C, for example, calls for 60 percent of adults to engage in appropriate physical activity. Unfortunately, data from several studies indicate that some of the objectives are unlikely to be met and that low socioeconomic status (SES) minority populations appear to be least responsive to community or clinical health promotion efforts.

Data from the 1985 National Health Information Statistics Survey suggest that the lifestyle of people of low SES minority populations places them at an increased risk for illness and disability. These populations are also less active than other groups of persons and appear to be least responsive to community or clinical health promotion efforts. This problem has been addressed by researchers and often found to be associated with cultural patterns of beliefs and behaviors that interfere with program success. Also the health promotion activity is conducted with insufficient understanding of the community culture, organization, existing behavioral patterns, and their determinants. The activities are often carried out on a trial-and-error basis, or by applying what was said to work in very different communities.

Planning for effective community health promotion in low income minority communities should include attempts to understand the way the population will perceive the message to be delivered. Community structure, including family patterns which may vary, should also be considered when designing interventions.

Programs should also attempt to blend intervention strategies designed to promote behavioral changes with usual patterns of activity in the community. In some cases, it may be more effective to promote behavioral changes for valued ends other than health.

This project requires the design and implementation of a program based on a knowledge of the target community's population. The ultimate objective is the reduction of "unnecessary" morbidity and mortality through enhanced physical activity, particularly among populations at greater risk. The development of intervention (physical activity) programs with established efficacy will foster the expansion of low cost, community-based health promotion/risk reduction and encourage

attempts to reach high-risk populations that are currently overlooked.

Specific objectives include the following:

A. Develop a knowledge-base about modifiable behavioral, social, organizational, and cultural determinants or about causes of poor physical activity (or exercise) in a low SES minority community from:

1. Existing literature;
2. CDC's previous and ongoing studies and programs;
3. Recipient institution's experience;
4. From recipient institution's inquiries (qualitative ethnography focus group studies and/or ongoing quantitative studies within the community) within the minority community or within one having similar minority groups.

B. Design an effective intervention (physical activity) program that makes use of the knowledge-base developed from a low SES minority community.

C. Implement the intervention program within a selected minority community.

D. Conduct an evaluation of the intervention program.

E. Report recommendations about how to carry out effective health promotion through physical activity in low socio-economic minority populations based on knowledge gained from this project.

Recipient cooperative activities are:

A. Gather the appropriate information to build the knowledge base that will support the design of an effective program to promote physical activity in a low SES minority population.

B. Design a program to promote physical activity in a low SES minority population.

C. Implement the program.

D. Evaluate (process and impact) the intervention program.

E. Publish results and disseminate to States and other communities.

CDC cooperative activities are:

A. Provide technical assistance in the gathering of information.

B. Provide assistance in designing an intervention program to promote physical activity in a low SES minority population.

C. Provide technical assistance in developing the evaluation plan.

D. Provide assistance in the analysis of information in assessing the process and impact of the intervention.

E. Assist in dissemination of results to States and other communities.

### OMB Clearance

In carrying out these activities, if new information is to be collected from 10 or more respondents, review and approval



will be required from the Office of Management and Budget before the data gathering begins.

#### Evaluation Criteria

The initial application will be reviewed and evaluated for technical merit according to the following criteria:

- A. *Understanding the Problem*
- B. *Administrative Capabilities and Experience*
- C. *Plan of Operation*
- D. *Personnel*
- E. *Budget*

#### Eligible Applicants

Eligible applicants are official health departments of any State or local government, including the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and also colleges and universities, and other non-profit and for-profit organizations.

#### Availability of Funds

Approximately \$90,000 will be available in Fiscal Year 1988 to fund one (1) new cooperative agreement. The project is expected to begin on or about September 15, 1988 and will be funded for 12-month budget periods within a three-year project period. Continuation of the project will be made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. It is estimated that funds in the amount of \$60,000 for FY 1989 and \$90,000 for FY 1990 will be available.

#### Application Submission

A. Copies—Place of Submission—The original and two copies of the application (PHS 5161-1 Rev. 3/86) must be submitted to Nancy C. Bridger, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Mailstop E-14, Atlanta, Georgia 30305, on or before August 29, 1988.

B. Deadline—Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or
  2. Sent on or before the deadline date and received in time for submission to the independent review group.
- (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Applications which do not meet the criteria in B1. or 2. above are considered

late applicants. Late applications will not be considered in the current competition and will be returned to the applicant.

#### Other Submission and Review Requirements

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

#### Where To Obtain Additional Information

Information on application procedures, copies of application forms, and other material may be obtained from Carole J. Tully, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 Paces Ferry Road, NE., Room 300, Mailstop E-14, Atlanta, Georgia 30305, or by calling (404) 842-6575 or FTS 236-6575. Technical information may be obtained by contacting Dr. Kenneth E. Powell, Chief, Behavioral Epidemiology and Evaluation Branch, Division of Health Education, Center for Health Promotion and Education, Centers for Disease Control, 1600 Clifton Road, NE., Mailstop A-13, Atlanta, Georgia 30333, Telephone (404) 639-3158 or FTS 236-3158.

Dated: July 21, 1988.

David K. Rowe,

Acting Director, Office of Program Support,  
Centers for Disease Control.

[FR Doc. 88-16866 Filed 7-26-88; 8:45 am]

BILLING CODE 4160-18-M

#### Cooperative Agreement To Enhance the Preparation of Public Health Veterinarians in the Areas of Disease Prevention and Health Promotion; Availability of Funds for Fiscal Year 1988

The Centers for Disease Control announces the availability of funds in Fiscal Year 1988 for a cooperative agreement with the Association of Teachers of Veterinary Public Health and Preventive Medicine (ATVPHPM) to improve the development and preparation of public health veterinarians in the areas of disease and prevention and health promotion and to enhance their contributions to public health practice. This is not a formal request for applications. Assistance will be provided only to ATVPHPM for the support of this project. No other applications are solicited or will be accepted. This request complies with the provisions of the PHS Grants Administration Manual Parts 142 and

144. The Catalog of Federal Domestic Assistance number is 13.283.

#### Authorizing Legislation

This Program is authorized under section 301(a) of the Public Health Service Act (42 U.S.C. 241(A)), as amended.

#### Background

As a part of its overall mission, the Centers for Disease Control (CDC) is responsible for providing national leadership to increase the effectiveness of public health organizations. In carrying out that responsibility, the CDC works collaboratively with educational institutions, especially schools of public health and schools of medicine, and with the professional organizations that represent those two entities.

Schools of veterinary medicine and programs of preventive medicine/epidemiology within those schools train veterinarians to work in the field of human public health and emphasize teaching and research focused on epidemiology, biostatistics, immunology, infectious diseases, and environmental health. In addition to the specialized training for public health veterinarians, these departments provide all veterinary students with an appreciation of the principles of epidemiology and biostatistics as well as concepts of preventive medicine, enabling them to function as an effective force at the public health interface of zoonoses and human disease.

The Association of Teachers of Veterinary Public Health and Preventive Medicine is a professional organization of individuals and institutions that has a professional interest in veterinary preventive medicine and community health. Its membership includes teachers, researchers, practitioners, and administrators. Each of the 27 veterinary schools in the United States has a functional department or program of preventive medicine/epidemiology. The ATVPHPM is the only organization that has a comprehensive data base relating to teaching and other activities of these departments or programs of preventive medicine/epidemiology in the schools of veterinary medicine.

#### Reasons for Proposing Single Source for This Cooperative Agreement

The Association of Teachers of Veterinary Public Health and Preventive Medicine is a professional organization of individuals and institutions that teaches or has a professional interest in preventive medicine and community health. Its membership includes teachers, researchers, practitioners.



administrators, and students from schools of veterinary medicine. The diversity of its membership, and particularly its outreach beyond the traditional public health structure, places ATVPHPM in a unique position to assist these veterinary affiliated groups to become productively involved in the national disease prevention/health promotion effort. ATVPHPM is the only organization that has a comprehensive data base related to teaching and other activities of veterinary school departments of preventive medicine/epidemiology.

#### Description of the Project

To achieve the above objectives, the following activities will be performed during a 5-year period.

##### 1. ATVPHPM Activities

- a. Build a consensus among the veterinary preventive medicine community regarding essential skills and knowledge in disease prevention and health promotion which all graduates of veterinary schools should possess.
- b. Make available to all veterinary school faculty and students information regarding the essential skills and knowledge required for effective disease prevention.
- c. Assess the extent to which the current veterinary school curricula provide the desired skills and knowledge.
- d. Develop and test new educational activities and instructional methods.
- e. Identify and develop new approaches and opportunities for field experiences in which veterinary students and faculty can practice applying skills and knowledge learned in the classroom.
- f. This will include the selection from the ATVPHPM membership of appropriate individuals to participate in a sabbatical program in which selected sabbatical faculty may spend approximately 9 months working with the Centers for Disease Control's Global Epidemic Intelligence Service in an overseas environment.
- g. Conduct workshops and conferences to exchange current information in specific fields of veterinary public health, preventive medicine, and health promotion. Utilize results from these workshops and conferences to upgrade veterinary public health criteria.

##### 2. CDC Activities

- a. Collaborate with ATVPHPM in building a consensus among the

veterinary community regarding essential skills and knowledge in preventive medicine which all veterinary graduates should possess.

- b. Collaborate with ATVPHPM regarding methods to disseminate information about essential skills and knowledge in veterinary preventive medicine.

- c. Collaborate with ATVPHPM in assessing the extent to which current veterinary curricula provide the requisite skills and knowledge in veterinary preventive medicine.

- d. Collaborate with ATVPHPM in identifying and implementing new approaches and opportunities for field experience for veterinarians to apply preventive/epidemiology techniques to "real life" situations.

This will include assigning appropriate ATVPHPM members selected by the ATVPHPM and CDC, on sabbaticals, to work in overseas epidemiology programs in the Global EIS program for approximately 9 months.

#### Availability of Funds

It is expected that \$40,000 will be available during Fiscal Year 1988 to support this project. It is anticipated that the cooperative agreement will be funded initially for a 12-month budget period.

Continuation awards within the 5-year project period will be made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. The funding estimate is subject to change.

#### Other Requirements

The application is not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

#### Availability of Complete Program Description and Application Assistance

A full description of the program, including criteria for review of application, application format, application procedures, copies of application forms PHS 5161-1, and other materials may be obtained from Terry C. Maricle, Grants Specialist, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, Atlanta, Georgia 30333, Telephone (404) 842-6511. Technical information may be obtained from Stanley I. Music, Director, Global EIS Division, International

Health Program Office, Centers for Disease Control, Atlanta, Georgia 30333, Telephone (404) 639-3115.

Dated: July 21, 1988.

David K. Rowe,

Acting Director, Office of Program Support,  
Centers for Disease Control.

[FR Doc. 88-16865 Filed 7-26-88; 8:45 am]

BILLING CODE 4160-18-M

#### Health Resources and Services Administration

#### Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending September 30, 1988"

Section 727 of the Public Health Service Act (42 U.S.C. 294) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professions schools.

A. Section 60.13(a)(4) of the program's implementing regulations (42 CFR Part 60, previously 45 CFR part 126) provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending September 30, 1988, three interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) program.

1. For loans made before January 27, 1981, the variable interest rate is 10 percent. Using the regulatory formula (45 CFR 126.13(a) (2) and (3)) in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury bills for the preceding calendar quarter (6.44 percent), and rounding the result (9.94 percent) upward to the nearest  $\frac{1}{8}$  percent (10 percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. Because the average rate of the 4 quarters ending September 30, 1988, is not in excess of 12 percent, there is no necessity for reducing the interest rate. For the previous 3 quarters the variable interest at the annual rate was as follows: 9 $\frac{1}{8}$  percent for the quarter



ending December 31, 1987; 9¼ for the quarter ending March 31, 1988; and 9½ for the quarter ending June 30, 1988.

2. For variable rate loans executed during the period of January 27, 1981 through October 21, 1985, the interest rate is 10 percent. Using the regulatory formula (42 CFR 60.13(a)(3)) in effect for that time period, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (6.44 percent); adding 3.50 percent (9.94 percent); and rounding that figure to the next higher one-eighth of 1 percent (10 percent).

3. For fixed rate loans executed during the period of July 1, 1988 through September 30, 1988, and for variable rate loans executed on or after October 22, 1985, the interest rate is 9½ percent. The Health Professions Training Assistance Act of 1985 (Pub. L. 99-129), enacted October 22, 1985, amended the formula for calculating the interest rate by changing 3.5 percent to 3 percent. Using the regulatory formula (42 CFR 60.13(a) (2) and (3)) with the statutory change of 3 percent (42 CFR 60.13(a)(1)), the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (6.44 percent); adding 3.0 percent (9.44 percent) and rounding that figure to the next higher one-eighth of 1 percent (9½ percent).

Dated: July 21, 1988.

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans)

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 88-16920 Filed 7-26-88; 8:45 am]

BILLING CODE 4160-15-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Administration

[Docket No. N-88-1835]

### Submission of Proposed Information Collections to OMB

**AGENCY:** Office of Administration, HUD.  
**ACTION:** Notices.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

**ADDRESS:** Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposals for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its

proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: July 20, 1988.

David S. Cristy,

Deputy Director Information Policy and Management Division.

### Notice of Submission of Proposed Information Collection to OMB

**Proposal:** Nehemiah Housing Opportunity Program (FR-2478)

**Office:** Housing

**Description of the Need for the Information and its Proposed Use:** Under the Nehemiah Housing Opportunity Grants Program, HUD will select nonprofit corporations through a competitive process to administer loans to the applicable families. The families will use the loans to purchase homes that are constructed or substantially rehabilitated in accordance with a HUD-approved program.

**Form Number:** None

**Respondents:** Individuals or Households, State or Local Governments, and Non-Profits Institutions

**Frequency of Submission:** On Occasion  
**Reporting Burden:**

	Number of respondents	X	Frequency of response	X	Hours per response	=	Burdens
Application.....	150	.....	4	.....	8	.....	4,800
Recordkeeping.....	40	.....	1	.....	100	.....	4,000

Total Estimated Burden Hours: 8,800

Status: New

Contact: Stephen A. Martin, HUD, (202)

755-6720 John Allison, OMB, (202)

395-6880

Date: July 19, 1988.

Proposal: Collection of Multifamily

Assisted Housing Address and Site Identification Codes

Office: Housing

**Description of the Need for the Information and its Proposed Use:** Data collected will be needed to generate information descriptive of HUD's multifamily assisted programs.

It will be used to more effectively monitor HUD's programs and target compliance reviews.

**Form Number:** HUD-951

**Respondents:** Businesses or Other For-Profit and Non-Profit Institutions

**Frequency of Submission:** On Occasion  
**Reporting Burden:**



	Number of respondents	x	Frequency of response	x	Hours per response	=	Burdens
HUD-951	21,000		3		.33		20,790

Total Estimated Burden Hours: 20,790  
Status: Extension

Contact: John B. Carson, Jr., HUD, (202)  
755-5574 John Allison, OMB, (202)  
395-6880

Dated: July 20, 1988.

[FR Doc. 88-16948 Filed 7-26-88; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe; Snoqualmoo Tribe of Whidbey Island

July 13, 1988.

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Snoqualmoo Tribe of Whidbey Island, c/o Mr. Lon J. Posenjak, 540 Linder Street, Friday Harbor, Washington 98250-8038, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on June 14, 1988, and was signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be sent by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) (formerly § 54.8(d)) of the Federal regulations, interested parties may submit factual and/or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs' files. Such submissions will be provided to the petitioner upon receipt by the Bureau. The petitioner will be provided an opportunity to respond to such submissions prior to a final determination regarding the petitioner's status.

The petition may be examined by appointment in the Department of the Interior, Bureau of Indian Affairs,

Branch of Acknowledgment and Research, Mail Stop 4627-MIB, 18th and C Streets, NW., Washington, DC 20240, Phone: (202) 343-3592.

Hazel E. Elbert,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 88-16860 Filed 7-26-88; 8:45 am]

BILLING CODE 4310-02-M

### Bureau of Land Management

[CO-050-4830-12]

#### Canon City District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that the Canon City District Advisory Council (DAC) Meeting will be held Friday, August 12, 1988, 9:30 a.m. to 12 Noon at the Canon City District Office, 3170 East Main, Canon City, Colorado.

The meeting agenda will include:

1. Tour of wild horse facility for DAC members who are interested;
2. Role of the DAC during the public comment period for the Arkansas River Recreation Area Management Plan;
3. Public presentations to the council (open invitation).

The meeting is open to the public. Persons interested may make oral presentations to the council at 11:30 a.m. or they may file written statements for the council's consideration. The District Manager may limit the length of oral presentations depending on the number of people wishing to speak.

ADDRESS: Anyone wishing to make an oral or written presentation to the council should notify the District Manager, Bureau of Land Management, P.O. Box 311, 3170 East Main, Canon City, Colorado 81212 by August 8, 1988.

FOR FURTHER INFORMATION CONTACT: Ken Smith, (719) 275-0631.

SUPPLEMENTARY INFORMATION: Summary minutes of the meeting will be available for public inspection and reproduction during regular working hours at the District Office

approximately 30 days following the meeting.

Adrian W. Neisius,  
Assistant District Manager, Lands and Renewable Resources.

[FR Doc. 88-16859 Filed 7-26-88; 8:45 am]

BILLING CODE 4310-J8-M

### Minerals Management Service

#### Development Operations Coordination Document; Mobil Exploration & Producing U.S. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Mobil Exploration & Producing U.S. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0478, Block 129, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on July 15, 1988.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Mike Joseph; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to



affected States, executives of affected local governments, and other interested parties become effective May 31, 1988 (53 FR 10595). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: July 18, 1988.

J. Rogers Percy,

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 88-16858 Filed 7-26-88; 8:45 am]

BILLING CODE 4310-MR-M

## National Park Service

### Intention to Extend Concession Contract; Oglala Sioux Tribe

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixth (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend a concession contract with the Oglala Sioux Tribe authorizing it to continue to provide lodging accommodations, food service facilities, and souvenirs for the public at Badlands National Park, South Dakota, one (1) year from November 1, 1988, through October 31, 1989.

This contract extension has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on October 31, 1988, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Rocky Mountain Region, P.O. Box 25287, Denver, Colorado 80225, for information as to the requirements of the proposed permit.

Date: June 24, 1988.

Richard A. Strait,

*Regional Director, Rocky Mountain Region.*

[FR Doc. 88-16952 Filed 7-26-88; 8:45 am]

BILLING CODE 4310-70-M

### Commission Contract Negotiations; Signal Mountain Lodge

**AGENCY:** National Park Service, Interior.

**ACTION:** Public notice.

**SUMMARY:** Public notice is hereby given that the National Park Service proposes to negotiate concession contracts with Rex and Ruth G. Maughan d/b/a/ as Signal Mountain Lodge, authorizing them to continue to provide pack horse service for the public at Grand Teton National Park, Wyoming for a period of three (3) years from January 1, 1987, through December 31, 1989, and to continue to provide marine services at Leeks Lodge Marina at Grand Teton National Park, Wyoming for a period of one (1) year from October 1, 1988, through September 30, 1989.

**EFFECTIVE DATE:** September 26, 1988.

**ADDRESS:** Interested parties should contact the Regional Director, Rocky Mountain Region, National Park Service, 12795 West Alameda Parkway, P.O. Box 25287, Lakewood, Colorado 80225, for information as to the requirements of the proposed contracts.

**SUPPLEMENTARY INFORMATION:** These contracts have been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing contracts which expired by limitation of time on December 31, 1988, and therefore pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the contracts and in the negotiation of two new contracts as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Date: June 7, 1988.

Lorraine Mintzmyer,

*Regional Director, Rocky Mountain Region.*

[FR Doc. 88-16953 Filed 7-26-88; 8:45 am]

BILLING CODE 4310-70-M

## Office of Surface Mining Reclamation and Enforcement

### Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202-395-7340.

**Title:** 30 CFR Chapter VII, Subchapter B—Initial Program Regulations; Adoption of State Standards—Part 620.

**Abstract:** Information collected in § 720.13 is used to monitor State permitting and inspection activities and to provide OSMRE with necessary information for purposes of conducting Federal mine inspection and enforcement activities under the initial regulatory program.

**Bureau Form Number:** None.

**Frequency:** On occasion.

**Estimated Completion Time:** One hour.

**Description of Respondents:** State regulatory authorities.

**Annual Responses:** One.

**Annual Burden Hours:** One.

**Bureau Clearance Officer:** Nancy Ann Baka, (202) 343-5981.

Dated: July 12, 1988

Richard O. Miller,

*Chief, Regulatory Development and Issues Management.*

[FR Doc. 88-16911 Filed 7-26-88; 8:45 am]

BILLING CODE 4310-05-M

### Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone



number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202-395-7340.

**Title:** Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan 30 CFR 784.

**Abstract:** Sections 507(b), 508(a) and 516(b) of Pub. L. 95-87 require applicants for underground mine permits to provide a description of each existing structure proposed to be used in the mining and reclamation operation and a compliance plan for structures proposed to be modified or constructed for use in the operation. This information is used by the regulatory authority in determining if the applicant can comply with the applicable performance and environmental standards.

**Bureau Form Number:** None.

**Frequency:** On occasion.

**Description of Respondents:** Surface Coal Mining Operators.

**Annual Responses:** 850

**Annual Burden Hours:** 252,304.

**Bureau Clearance officer:** Nancy Ann Baka, (202) 343-5981.

**Date:** May 31, 1988.

**Richard O. Miller,**

*Chief, Regulatory Development and Issues Management.*

[FR Doc. 88-16856 Filed 7-26-88; 8:45 am]

BILLING CODE 4310-05-M

## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-406-408 (Preliminary)]

**Electrolytic Manganese Dioxide From Greece, Ireland, and Japan**

### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Greece, Ireland, and Japan of electrolytic manganese dioxide (EMD), provided for in item 419.44 of the Tariff Schedules of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

<sup>1</sup> The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

## Background

On May 31, 1988, a petition was filed with the Commission and the Department of Commerce by Chemeials, Inc., Baltimore, MD, and Kerr-McGee Chemical Corp., Oklahoma City, OK, alleging that an industry in the United States is materially injured and is threatened with further material injury, by reason of LTFV imports of EMD from Greece, Ireland, and Japan. Accordingly, effective May 31, 1988, the Commission instituted preliminary antidumping investigations Nos. 731-TA-406 (Preliminary) (Greece), 731-TA-407 (Preliminary) (Ireland), and 731-TA-408 (Preliminary) (Japan).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of June 8, 1988 (53 FR 21530). The conference was held in Washington, DC, on June 20, 1988, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on July 15, 1988. The views of the Commission are contained in USITC Publication 2097 (July 1988), entitled "Electrolytic Manganese Dioxide from Greece, Ireland, and Japan: Determinations of the Commission in Investigations Nos. 731-TA-406 through 408 (Preliminary) Under the Tariff Act of 1930. Together With the Information Obtained in the Investigations."

By Order of the Commission.

**Kenneth R. Mason,**  
*Secretary.*

Issued: July 15, 1988.

[FR Doc. 88-16957 Filed 7-26-88; 8:45 am]

BILLING CODE 7020-02-M

## [Investigation No. 337-TA-276]

**In the Matter of Certain Erasable Programmable Read Only Memories, Components Thereof, Products Containing Such Memories, and Processes for Making Such Memories; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding officer

in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Hyundai Electronics America, Inc.

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination in this matter was served upon the parties on July 18, 1988.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1000. Hearing impaired individuals are advised that information on this matter can be obtained by contracting the Commission's TDD terminal on 202-252-1810.

**Written Comments:** Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 500 E Street, SW., Washington, DC 20436, no later than 10 days after publication of this notice in the *Federal Register*. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

**FOR FURTHER INFORMATION CONTACT:** Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, Telephone 202-252-1805.

By order of the Commission.

Issued: July 19, 1988.

**Kenneth R. Mason,**  
*Secretary.*

[FR Doc. 88-16958 Filed 7-26-88; 8:45 am]

BILLING CODE 7020-02-M



**[Investigations Nos. 731-TA-409-410  
(Preliminary)]**

**Light-Walled Rectangular Pipes and  
Tubes From Argentina and Taiwan**

**Determinations**

On the basis of the record<sup>1</sup> developed in the subject investigations, the Commission determines pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Argentina and Taiwan of light-walled rectangular pipes and tubes,<sup>2</sup> provided for in item 610.49 of the Tariff Schedules of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).<sup>3</sup>

**Background**

On June 6, 1988, a petition was filed with the Commission and the Department of Commerce by the mechanical tubing subcommittee of the Committee on Pipe and Tubes Imports and by the individual members of the subcommittee that produce the subject product, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of light-walled rectangular pipes and tubes from Argentina and Taiwan. Accordingly, effective June 6, 1988, the Commission instituted preliminary antidumping investigations Nos. 731-TA-409-410 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of June 14, 1988 (53 FR 22231). The conference was held in Washington, DC, on June 29, 1988, and all persons who requested the opportunity were permitted to appear in person or by counsel.

<sup>1</sup> The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

<sup>2</sup> For purposes of the investigations, the term "light-walled rectangular pipes and tubes" refers to welded carbon steel pipes and tubes of rectangular (including square) cross section having a wall thickness of less than 0.156 inch. Such products are currently reported for statistical purposes under item 610.4928 of the Tariff Schedules of the United States Annotated and are classifiable under subheading 7306.60.50 of the proposed Harmonized Tariff Schedule of the United States.

<sup>3</sup> Commissioner Cass determines that there is a reasonable indication that an industry in the United States is materially injured by reason of the subject imports from Argentina and Taiwan.

The Commission transmitted its determination in these investigations to the Secretary of Commerce on July 21, 1988. The views of the Commission are contained in USITC Publication 2098 (July 1988), entitled "Light-Walled Rectangular Pipes and Tubes from Argentina and Taiwan."

By Order of the Commission.

Issued: July 21, 1988.

Kenneth R. Mason,

Secretary.

[FR Doc. 88-16959 Filed 7-26-88; 8:45 am]

BILLING CODE 7020-02-M

**INTERSTATE COMMERCE  
COMMISSION**

[Finance Docket No. 31264]

**KKR Associates; Control Exemption;  
Brockway Realty Corp.**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 11343, *et seq.*, the acquisition of control by KKR Associates of Brockway Inc. (NY), and through Brockway Inc. (NY), its control of Brockway Realty Corporation, subject to the conditions for the protection of railroad employees in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

**DATES:** This exemption is effective August 26, 1988. Petitions to stay must be filed by August 8, 1988, and petitions for reconsideration must be filed by August 16, 1988.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 31264 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Peter M. Shannon, Jr., 8300 Sears Tower, 233 South Wacker Drive, Chicago, IL 60606.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721].

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4537/4539 (DC metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup

from Dynamic Concepts, Inc. in Room 2229 at Commission headquarters).

Decided: July 20, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterret, Simmons, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 88-16879 Filed 7-26-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 242X)]

**CSX Transportation, Inc.;  
Abandonment and Discontinuance of  
Service Exemption; Dade County, FL**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission exempts from prior approval under 49 U.S.C. 10903, *et seq.*, abandonment and discontinuance of service by CSX Transportation, Inc. of a total of 1.76 miles in Miami, Dade County, FL subject to standard labor protection.

**DATES:** Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on August 26, 1988. Formal expressions of intent to file an offer<sup>1</sup> of financial assistance under 49 CFR 1152.27(c)(2) must be filed by August 8, 1988, petitions to stay must be filed by August 12, 1988, and petitions for reconsideration must be filed by August 22, 1988. Requests for a public use condition must be filed by August 8, 1988.

**ADDRESSES:** Send pleadings referring to Docket No. AB-55 (Sub-No. 242X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representative: Lawrence H. Richmond, 100 N. Charles Street, Baltimore, MD 21201, and Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721].

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC metropolitan

<sup>1</sup> See *Exempt. of Rail Line Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987), and final rules published in the Federal Register on December 22, 1987 (52 FR 48440-48446).



area), (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: August 19, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley. Commissioner Sterrett did not participate in the disposition of this proceeding.

Noreta R. McGee,

Secretary.

[FR Doc. 88-16880 Filed 7-26-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-39 (Sub-No. 11X)]

**St. Louis Southwestern Railway Co.; Discontinuance of Service In Collin And Dallas Counties, TX**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission exempts St. Louis Southwestern Railway Company (SWRC) from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, to discontinue service pursuant to trackage rights granted under its 1965 agreement with Southern Pacific Transportation Company over 18.89 miles of line in Collin and Dallas Counties, TX, subject to standard employee protective conditions. SWRC will continue to provide service over the line under its 1988 trackage rights agreement with the line's new owner, Dallas Area Rapid Transit.

**DATES:** The exemption will be effective on August 26, 1988. Petitions to stay must be filed by August 8, 1988, and petitions for reconsideration must be filed by August 16, 1988.

Send pleadings referring to Docket No. AB-39 (Sub-No. 11X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representative: Gary A. Laakso, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721].

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup

from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: July 19, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley. Commissioner Sterrett did not participate in the disposition of this proceeding.

Noreta R. McGee,

Secretary.

[FR Doc. 88-16881 Filed 7-26-88; 8:45 am]

BILLING CODE 7035-01-M

**DEPARTMENT OF JUSTICE**

**Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; Olin Corp.**

In accordance with Department policy, 28 CFR 50.7, and section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), notice is hereby given that on June 9, 1988, a proposed consent decree in *United States v. Olin Corporation*, Civil Action No. 88-0163-A, was lodged with the United States District Court for the Western District of Virginia.

The proposed consent decree requires the defendant to implement the interim remedial action selected by the Environmental Protection Agency (EPA) to address the imminent and substantial endangerment to human health and the environment posed by the release or threat of release of hazardous substances at Olin Corporation's former manufacturing facility in Smythe and Washington Counties, Virginia and to perform a Remedial Investigation and Feasibility Study for that site. The interim remedy, to be conducted by the defendant, will focus on building and maintaining structures to prevent surface water from running into a large pond containing mercury contaminated waste; building and operating a treatment system to reduce the level of mercury in the effluent flowing out of that pond into the North Fork of the Holston River; and performing groundwater monitoring. The decree also requires defendants to pay 80% of the past costs incurred by EPA in connection with the site. The parties to the consent decree are the United States and Olin Corporation.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and

should refer to *United States v. Olin Corporation*, DJ Ref. 90-11-2-283.

Copies of the proposed consent decree may be examined at the Office of the United States Attorney, Western District of Virginia, Room 456, Poff Federal Building, 210 Franklin Road, SW., Roanoke, Virginia 24011, and at the Region III office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of \$5.00 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-16895 Filed 7-26-88; 8:45 am]

BILLING CODE 4410-01-M

**Drug Enforcement Administration**

[Docket No. 88-4]

**Norman Belfer, D.D.S.; Revocation of Registration**

This proceeding was initiated on February 1, 1988, when the Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause proposing to revoke DEA Certificate of Registration AB1669110, previously issued to Norman Belfer, D.D.S. (Respondent) of Uniontown, Pennsylvania. The statutory basis for the proposed action was that Respondent's continued registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f) and 824(a)(4). Simultaneously, based on his preliminary finding that Respondent's continued possession of a DEA registration during the pendency of these proceedings would pose an imminent danger to the public health and safety, the Administrator ordered the immediate suspension of Respondent's registration. The Order to Show Cause and Immediate Suspension of Registration were served upon the Respondent on February 4, 1988. At that time, Respondent's Certificate of Registration, all controlled substances possessed thereunder and all official



order forms issued thereunder were taken into custody of the DEA.

The Respondent requested a hearing on the issues raised by the Order and this matter was docketed before Administrative Law Judge Mary Ellen Bittner. By letter dated May 2, 1988, and before the date of the hearing set by Judge Bittner, Counsel for Respondent, with Respondent's written assent, withdrew his request for a hearing. Pursuant to Respondent's request, all proceedings pending before the Administrative Law Judge were terminated. Accordingly, the Respondent is deemed to have waived his opportunity for a hearing on all matters of law and fact involved herein. 21 CFR 1301.54(d) and 1301.54(e). Pursuant to 21 CFR 1301.57, the Administrator now issues his Final Order in this matter, based on the information contained in the investigative file and the record of this proceeding.

The Administrator finds that Respondent operates a dental practice on 39 E. South Street in Uniontown, Pennsylvania. Beginning in August of 1987, Respondent began issuing prescriptions for Percocet, a Schedule II controlled substance, to a patient for \$20 per prescription. Respondent issued the prescriptions in the patient's name and in those of several aliases. Respondent issued these prescriptions for no legitimate purpose and outside the course of Respondent's dental practice. Subsequently, the patient agreed to cooperate with police and DEA investigators. On three occasions, November 2 and 9, and December 9, 1987, the patient made undercover visits to Respondent's office. Conversation between Respondent and the patient were recorded during each visit. On each occasion, Respondent issued a prescription for Percocet to the patient for \$20. At no time was any dental work performed. On at least four other occasions, the patient made unsupervised visits to Respondent and on each occasion obtained a prescription for Percocet. The prescriptions were not issued in connection with any dental work performed by Respondent.

A second patient made three visits to Respondent and on each occasion obtained prescriptions for Percocet. On the first two visits, the second patient received the prescriptions without the benefit of a dental exam or any work performed by Respondent. On the last visit, Respondent told the second patient that a prescription would be given only in exchange for some dental work. This patient allowed Respondent to pull a

tooth and subsequently received his prescription.

Patients appeared at Respondent's office without an appointment to obtain prescriptions for Percocet. These prescriptions were often written in the waiting room area with no notation in the patient's dental file. In May 1988, a complaint was made to the Pennsylvania State Police concerning Respondent's prescribing practices. The Respondent was promptly warned to stop issuing prescriptions for Percocet that were not related to regular dental practice. Thereafter, approximately one-third of Respondent's patients continued to receive prescriptions for Percocet on a regular basis. Between two and six people came to Respondent's office each day to obtain Percocet without dental work being performed.

Respondent also defrauded the State Department of Public Assistance (DPA). Respondent falsified medical records by using fictitious names on DPA billing invoices. Respondent signed patient names on the DPA forms and then placed his own name on the top of the form.

Title 21 U.S.C. 823(f) and 824(a), permit revocation of a practitioner's certificate of registration when such registration is not in the public interest. One factor to be considered is whether the registrant's conduct could "threaten the public health and safety." 21, U.S.C. 823(f)(5).

In view of the gross conduct of Respondent in prescribing Percocet, it is undisputed that the continued registration of the Respondent would threaten the public health and safety and is therefore inconsistent with the public interest.

Accordingly, having concluded that there is lawful basis for the revocation of the Respondent's registration, and for the denial of any pending applications for renewal thereof, the Administrator, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AB1669110, previously issued to Norman Belfer, D.D.S. be, and it hereby is, revoked. The Administrator further orders that any pending applications for renewal of that registration be, and they hereby are, denied.

This order shall be effective immediately.

Dated: July 18, 1988.

John C. Lawn,  
Administrator.

[FR Doc. 88-16871 Filed 7-26-88; 8:45 am]

BILLING CODE 4410-09-M

#### Fairbank T. Chua, M.D.; Denial of Application for Registration

On March 24, 1988, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an order to Show Cause to Fairbank T. Chua, M.D., of the Memphis Medical Clinic, 35050 Helze Lane, Memphis, Michigan, proposing to deny his application for registration executed on June 29, 1987, on the ground that his registration would be inconsistent with the public interest.

A registered mail return-receipt indicates that the Order to Show Cause was received on April 1, 1988. Dr. Chua has not responded to the Order to Show Cause. Based upon his failure to respond to the Order to Show Cause, the Administrator concludes that Dr. Chua has waived his opportunity for a hearing on the issues raised in the Order to Show Cause and, in accordance with 21 CFR 1301.54(d) and 1301.54(e), enters this final order based upon the investigative file as it now appears.

On November 18, 1986, the Administrator of the Drug Enforcement Administration issued a final order revoking Dr. Chua's previous DEA Certificate of Registration. See *Fairbank T. Chua, M.D.*, 51 FR 41676 (1986). The Administrator based that revocation on Dr. Chua's felony conviction relating to controlled substances, his history of improper handling of controlled substances, and action taken by the Illinois Department of Registration and Education to suspend his state controlled substance and medical licenses.

The investigative file reveals that on November 12, 1985, in the Circuit Court for Cook County, Dr. Chua was convicted of six felony counts of unlawful delivery of controlled substances, in violation of Chapter 56½, Section 1401(f) of the Illinois Revised Statutes. Dr. Chua appealed the conviction and on May 15, 1987, the conviction was reversed by the Appellate Court of the State of Illinois, First Judicial Circuit, on the ground that the verdict was inconsistent with the evidence since the necessary elements of the crime were not proven beyond a reasonable doubt.

On February 10, 1988, the Illinois Department of Registration and Education ordered the indefinite suspension of Dr. Chua's medical and controlled substances licenses based upon his felony convictions relating to controlled substances. The order also allowed Dr. Chua to petition for restoration of his licenses if his convictions were reversed. Shortly after



his convictions were reversed, Dr. Chua petitioned for the restoration of his state medical and controlled substance licenses. On November 5, 1987, the Illinois Department of Registration and Education restored Dr. Chua's medical and controlled substance licenses on a probationary status, provided that he comply with certain terms and conditions outlined in the consent order.

The Administrator finds that although the Illinois Court of Appeals reversed Dr. Chua's convictions on the ground that the necessary elements of the crimes were not proven beyond a reasonable doubt during the criminal trial, the evidence contained in the DEA investigative file constitutes substantial evidence to conclude that Dr. Chua improperly prescribed controlled substances to undercover agents for other than a legitimate purpose and outside the scope of his professional practice.

In 1983, the Illinois Department of Law Enforcement received reliable information that Dr. Chua was issuing prescriptions for controlled substances to individuals for other than legitimate medical purposes and was defrauding the Illinois Department of Public Aid by filing fraudulent claims for payment. Based on this information, on September 28, 1983, two Special Agents of the Illinois Department of Law Enforcement visited Dr. Chua's medical offices in an attempt to obtain controlled substance prescriptions for other than legitimate medical purposes. Both agents presented the receptionist with Illinois Medical Eligibility cards bearing the assumed names "Eli Jasmorky" and "Kevin Smith." When asked by Dr. Chua about his medical condition, one agent replied that he was "fine," but wanted some cough syrup, Valium and Darvocet. Dr. Chua handed the agent prescriptions issued in the name "Eli Jasmorky" for Darvocet, ampicillin, terpin hydrate, and Valium. Dr. Chua then examined the agent's throat with a tongue depressor and took his blood pressure. No other medical examination was conducted during that visit. The second agent was also seen by Dr. Chua on that date. During his visit, Dr. Chua inquired as to the agent's past medical history. The agent informed him that he needed Valium and Tussionex because he had a cold, was nervous and could not sleep. Dr. Chua examined the agent's throat and chest. After completing the examination, Dr. Chua informed the agent that a prescription for Tussionex would cost \$5.00. The agent refused the prescription and asked Dr. Chua to prescribe another cough syrup. Dr. Chua complied and issued the agent one

prescription for both ampicillin and terpin hydrate, and another prescription for Valium tablets.

On January 11, 1984, a female Illinois State Trooper visited Dr. Chua's medical offices in an undercover capacity. She presented the receptionist with an Illinois Medical Eligibility card bearing the assumed name "Elizabeth Daniels." She informed Dr. Chua that she had a cold and a sore throat. He asked her if she suffered from heart disease, high blood pressure or allergies, to which she responded that she could not tolerate Flagyl, a legend drug. The trooper then asked Dr. Chua for prescriptions for Tagamet, birth control pills, and Valium. He inquired as to whether she had any problems with her nerves; she stated that she did not. Dr. Chua then handed her prescriptions for Valium, Tagamet, throat lozenges, birth control pills, and penicillin. Dr. Chua did not perform any medical examination of this officer prior to issuing the prescriptions.

On April 18, 1984, a third Illinois Department of Law Enforcement Agent visited Dr. Chua's medical offices. The agent presented the receptionist with an Illinois Medical Eligibility card bearing the assumed name "James Jones." Dr. Chua asked the agent what was wrong with him. He replied that nothing was wrong. Dr. Chua then informed him that he needed some type of ailment to write in his medical records. At that point, the agent informed Dr. Chua that he was not "James Jones" as indicated on the Medical Eligibility card. Dr. Chua simply nodded and asked what type of ailment he should record in the medical record. The agent then told him to record "bad back" in the records since the condition appeared on the Medical Eligibility card. After the agent weighed himself, Dr. Chua wrote a prescription for Valium in the name "James Jones," even though Dr. Chua knew he was not the individual listed on the card.

On May 9, 1984, a fourth Illinois Department of Law Enforcement Agent visited Dr. Chua's medical offices and presented the receptionist with the Medical Eligibility card bearing the name "Kevin Smith." This card was previously presented to her by another agent on September 28, 1983. In their discussions, Dr. Chua stated that he had last seen the agent on September 28, 1983, the date he actually saw one of the other agents. Dr. Chua asked the agent what was wrong with him. The agent stated, "nothing wrong, I just would like to have a prescription for Valium." Dr. Chua then asked, "Valium for your nerves," but received no response from the agent. The agent also asked Dr. Chua to write a prescription for Doriden

for him, and prescriptions for birth control pills and Valium for his wife. Dr. Chua informed him that he only wrote Doriden prescriptions for "paying customers," and that his wife would have to visit the clinic to obtain any prescriptions for herself. Dr. Chua then handed the agent a prescription for Valium in the name of "Kevin Smith" without performing any medical examination.

On May 14, 1984, only five days after the last visit, the same agent returned to Dr. Chua's medical offices. This time he gave the receptionist an Illinois Medical Eligibility card bearing the name "Willie A. Barnett." After the receptionist informed him that she did not have any record for "Willie Barnett," the agent told her that he left his identification at home and that he had seen Dr. Chua the previous week using the name "Alexander." Approximately five minutes later, Dr. Chua greeted the agent as "Willie Barnett." Dr. Chua asked him a series of questions regarding his medical history, but did not conduct any medical examination. The agent informed Dr. Chua that he felt fine, but wanted a prescription for Valium because it made him "feel good." Dr. Chua asked whether the agent had "bad nerves," to which he replied, "Doc, I got a lot of problems." As Dr. Chua began writing a prescription for Valium, the agent asked him also to write prescriptions for Doriden and cough syrup. Dr. Chua informed him that he could not write such prescriptions for public aid recipients. After the agent informed him that he had the money to pay for the prescriptions, Dr. Chua advised him to ask the receptionist for the cost of a "private visit." Dr. Chua issued him a prescription for Valium in the name "Willie Barnett" without performing any medical examination.

The Administrator finds that there is sufficient evidence to conclude that Dr. Chua prescribed controlled substances to the five undercover officers for other than legitimate medical purposes. Most of them claimed no medical condition which would require treatment with controlled substances. In one instance, an agent blatantly stated that he wanted the drugs simply because they made him "feel good." On at least two occasions, Dr. Chua falsified the medical records of the agents to justify the controlled substance prescriptions he wrote. In at least two instances, Dr. Chua knew, or should have known, that the agents were not the individuals they purported to be. In all of the instances, Dr. Chua failed to perform adequate medical examinations to warrant the controlled



substance prescriptions he issued to the agents. Also, comments made by Dr. Chua when he refused to write prescriptions for additional controlled substances revealed that his refusal to write certain prescriptions was not based upon the fact that he knew they would be used for other than legitimate medical purposes, but rather because he would only write such prescriptions for "paying customers."

The Administrator concludes that Dr. Chua's controlled substance handling activities fell far outside the bounds of legitimate practice. Registrants must handle controlled substances, and prescriptions therefor, in a careful and prudent manner so as to prevent their diversion and misuse. Dr. Chua was clearly a participant in the diversion of controlled substances he prescribed. Activities such as those in which Dr. Chua was involved cannot be tolerated. Dr. Chua's past experience in handling or prescribing controlled substances, without any evidence that the doctor's attitudes and procedures have changed, leads to the inescapable conclusion that his registration would be inconsistent with the public interest.

Having concluded that Dr. Chua's registration would be inconsistent with the public interest, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), orders that the new application for registration executed by Fairbank T. Chua, M.D. on June 29, 1987, be, and it hereby is, denied.

This order is effective July 27, 1988.

Dated: July 18, 1988.

John C. Lawn,  
Administrator.

[FR Doc. 88-16872 Filed 7-26-88; 8:45 am]

BILLING CODE 4410-09-M

#### Manufacturer of Controlled Substances; Registration; Cambridge Isotope Laboratories

By notice dated May 11, 1988, and published in the *Federal Register* on May 19, 1988; (53 FR 17988), Cambridge Isotope Laboratories, 20 Commerce Way, Woburn, Massachusetts 01801, made application to the Drug

Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100) .....  
Methamphetamine, its salts, isomers, and salts of its isomers (1105) .....  
Phencyclidine (7471) .....  
Cocaine (9041) .....  
Codeine (9050) .....  
Oxycodone (9143) .....  
Hydromorphone (9150) .....  
Morphine (9300) .....

Arenol Chemical Corporation, 189 Meister Avenue, Somerville, New Jersey 08876, filed an objection dated May 16, 1988, to the DEA Federal Register Representative, Office of Chief Counsel, in response to the application of Cambridge Isotope Laboratories. Arenol Chemical Corporation took exception to the application of Cambridge Isotope Laboratories for registration as a bulk manufacturer of amphetamine, its salts, optical isomers, and salts of its optical isomers and methamphetamine, its salts, isomers, and salts of its isomers. Arenol Chemical Corporation stated that it has historically been able to meet the medical, scientific, and industrial needs of the U.S. market for these products and is willing to work with Cambridge Isotope Laboratories to supply the quantities that it may require as Arenol has done with other organizations.

Cambridge Isotope Laboratories manufactures a maximum of 5 grams of each basic class of controlled substances for which it is registered and uses these substances to produce standards for research and analytical studies.

The Deputy Assistant Administrator therefore finds that the registration of Cambridge Isotope Laboratories as a bulk manufacturer of amphetamine, its salts, optical isomers, and salts of its optical isomers and methamphetamine, its salts, isomers, and salts of its isomers is consistent with the public interest because Cambridge Isotope Laboratories manufactures these controlled substances for research and analytical purposes in small quantities and this activity does not affect the commercial market of these controlled substances.

The Deputy Assistant Administrator hereby orders that the application submitted by Cambridge Isotope Laboratories for registration as a bulk manufacturer of the basic classes of controlled substances listed above be granted.

Dated: July 1, 1988.

Gene R. Haislip,

Deputy Assistant Administrator, Office of  
Diversion Control, Drug Enforcement  
Administration.

[FR Doc. 88-16870 Filed 7-26-88; 8:45 am]

BILLING CODE 4410-09-M

#### Manufacturer of Controlled Substances Registration; Radian Corp.

By notice dated May 11, 1988, and published in the *Federal Register* on May 19, 1988; (53 FR 17988), Radian Corporation, P.O. Box 201088, 8501 Mo-Pac Boulevard, Austin, Texas 78759, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

#### Schedule

Drug:	
Lysergic acid diethylamide (7315) .....	I
Tetrahydrocannabinols (7370) .....	I
Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100) .....	II
Methamphetamine, its salts, isomers, and salts of its isomers (1105) .....	II
Phencyclidine (7471) .....	II
Fentanyl (9801) .....	II

Arenol Chemical Corporation, 189 Meister Avenue, Somerville, New Jersey 08876, filed an objection dated May 16, 1988, to the DEA Federal Register Representative, Office of Chief Counsel, in response to the application of Radian Corporation. Arenol Chemical Corporation took exception to the application of Radian Corporation for registration as a bulk manufacturer of amphetamine, its salts, optical isomers, and salts of its optical isomers and methamphetamine, its salts, isomers, and salts of its isomers. Arenol Chemical Corporation stated that it has historically been able to meet the medical, scientific, and industrial needs of the U.S. market for these products and is willing to work with Radian Corporation to supply the quantities that



it may require as Arenol has done with other organizations.

Radian Corporation manufactures a maximum of 5 grams of each basic class of controlled substance for which it is registered and uses these substances to produce standards for research and analytical studies.

The Deputy Assistant Administrator therefore finds that the registration of Radian Corporation as a bulk manufacturer of amphetamine, its salts, optical isomers, and salts of its optical isomers and methamphetamine, its salts, isomers, and salts of its isomers is consistent with the public interest because Radian Corporation manufactures these controlled substances for research and analytical purposes in small quantities and this activity does not affect the commercial market of these controlled substances.

The Deputy Assistant Administrator hereby orders that the application submitted by Radian Corporation for registration as a bulk manufacturer of the basic classes of controlled listed above be granted.

Gene R. Haislip,

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

Dated: July 16, 1988.

[FR Doc. 88-16869 Filed 7-26-88; 8:45 am]

BILLING CODE 4410-09-M

#### Importation of Controlled Substances; Registration; Sigma Chemical Co.

By notice dated April 25, 1988, and published in the Federal Register on April 29, 1988; (53 FR 15473), Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Methaqualone (2565) .....  
 Ibogaine (7260) .....  
 Lysergic acid diethylamide (7315) ...  
 Marijuana (7360) .....  
 Tetrahydrocannabinols (7370) .....  
 Mescaline (7381) .....  
 3,4-Methylenedioxymphetamine  
 (7400) .....  
 3,4-Methylenedioxymphetamine  
 (MDMA) (7405) .....  
 Bufotenine (7433) .....  
 Diethyltryptamine (7434) .....  
 Dimethyltryptamine (7435) .....  
 Psilocybin (7437) .....  
 Psilocyn (7438) .....  
 Heroin (9200) .....  
 Amphetamine, its salts, optical  
 isomers, and salts of its optical  
 isomers (1100) .....

Methamphetamine, its salts, iso-  
 mers, and salts of its isomers  
 (1105) .....  
 Secobarbital (2315) .....  
 Phencyclidine (7471) .....  
 Anileridine (9020) .....  
 Cocaine (9041) .....  
 Codeine (9050) .....  
 Benzoyllecognine (9180) .....  
 Pethidine (meperidine) (9230) .....  
 Methadone (9250) .....  
 Morphine (9300) .....  
 Morphine-3-Glucuronide (9329) .....

Arenol Chemical Corporation, 189 Meister Avenue, Somerville, New Jersey 08876, filed an objection dated May 16, 1988, to the DEA Federal Register Representative, Office of Chief Counsel, in response to the application of Sigma Chemical Company. Arenol Chemical Corporation took exception to the application of Sigma Chemical Company for registration as an importer of amphetamine, its salts, optical isomers, and salts of its optical isomers and methamphetamine, its salts, isomers, and salts of its isomers. Arenol Chemical Corporation stated that it has historically been able to meet the medical, scientific, and industrial needs of the U.S. Market for these products and is willing to work with Sigma Chemical Company to supply the quantities that it may require as Arenol has done with other organizations.

Sigma Chemical Company imports a maximum of 25 grams of each basic class of controlled substance for which it is registered and uses these substances to produce standards for research and analytical studies. It has previously been registered as an importer of amphetamine, its salts, optical isomers, and salts of its optical isomers and methamphetamine, its salts, isomers, and salts of its isomers. There has been no substantial increase in the quota because of this registration.

The Deputy Assistant Administrator therefore finds that the registration of Sigma Chemical Company as an importer of amphetamine, its salts, optical isomers, and salts of its optical isomers and methamphetamine, its salts, isomers, and salts of its isomers is consistent with the public interest because of Sigma Chemical Company imports these controlled substances for research and analytical purposes in small quantities and this activity does not affect the commercial market of these controlled substances.

The Deputy Assistant Administrator hereby orders that the application submitted by Sigma Chemical Company for registration as an importer of the

basic classes of controlled substances listed above be granted.

Dated: July 16, 1988.

Gene R. Haislip,

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 88-16868 Filed 7-26-88; 8:45 am]

BILLING CODE 4410-09-M

#### NUCLEAR REGULATORY COMMISSION

##### Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

##### I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from June 30, 1988 through July 15, 1988. The last biweekly notice was published on July 13, 1988 (53 FR 26517).

##### NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this



proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resource Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this *Federal Register* notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 26, 1988 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's

property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the

expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this *Federal Register* notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendment request: June 13, 1988



*Description of amendment request:*  
The proposed amendments would change the Technical Specifications (TS) as follows:

1. Modify the Units 1 and 2 TS requirement 6.2, "Organization," by incorporating the changes recommended in the NRC Generic Letter (GL) 88-06, "Removal of Organization Charts from Technical Specification Administrative Control Requirements," by:

a. deleting the organization charts of TS Figures 6.2-1, "Management Organization Chart - Calvert Cliffs Nuclear Power Plant - Baltimore Gas & Electric Company," and 6.2-2, "Organization Chart (Two Unit Operation) - Calvert Cliffs Nuclear Power Plant - Baltimore Gas & Electric Company," and replacing them with a TS 6.2.1.a requirement to establish onsite and offsite organizations with lines of authority, responsibility and communication defined and documented in Chapter 12 of the Updated Final Safety Analysis Report (UFSAR) as organization charts for all management levels, intermediate levels and operating organization positions;

b. defining the responsibilities of the Manager - Calvert Cliffs Nuclear Power Plant and the Vice President - Nuclear shall be defined in TS 6.2.1.b and c;

c. add TS 6.2.1.d to provide all training, health physics and quality assurance staff members with independence from but reportability to onsite management;

d. specifying in TS 6.2.2, "Unit Staff," the staffing positions required to hold operator licenses as was previously reflected in TS Figure 6.2-2;

e. adding a new TS 6.2.1.a requirement to establish and document the lines of authority, responsibility and communication in Chapter 12 of the UFSAR through functional descriptions of departmental responsibilities and relationships, and job descriptions for key personnel positions. Change 1.e would become effective 90 days following the effective date for changes 1.a through d.

2. Make changes to the Units 1 and 2 TS 6.1, "Responsibility," 6.5.1, "Plant Operations and Safety Review Committee (POSRC)," 6.8, "Procedures," 6.16, "Process Control Program," and 6.17, "Offsite Dose Calculation Manual (ODCM)," to reflect the changes in nomenclature of a) the title Manager - Nuclear Operations to the new title of Manager - Calvert Cliffs Nuclear Power Plant and, b) the title of General Supervisor - Operations to the new title of General Supervisor - Nuclear Operations.

*Basis for proposed no significant hazards consideration determination:* In

accordance with the guidance provided in GL 88-06, changes 1.a through e propose the replacement of the Units 1 and 2 TS 6.2, "Organization," Figures 6.2-1 and 6.2-2 with the standardized GL 88-06 technical specifications which were found to be generically acceptable by the NRC staff for all power reactors. These changes would (1) result in more restrictive TS, which would require improved definition of functional positions and job descriptions, (2) maintain all current TS organizational requirements important to safety in the TS, such as the requirement for an organization with defined lines of authority, responsibility and communications and the specific operating organizations positions required to hold operating licenses, and (3) would provide greater flexibility for licensees to implement organizational changes, consistent with Commission policy, in a controlled process under the provisions of 10 CFR 50.59, "Changes, tests and experiments" rather than as a TS amendment.

In implementing these proposed changes, the licensee has requested that the additional restrictive requirement of proposed TS 6.2.1.a (change 1.e) for "functional descriptions of departmental responsibilities and relationships, and job descriptions for key personnel positions" be made effective 90 days after the effective date of changes 1.a through e. This request was made to permit the licensee's new management sufficient time to evaluate plant problems, goals and programs and to appropriately determine and delegate these functional responsibilities and duties related to key positions.

Change 2 was also a strictly administrative change in that it only modifies the titles of Manager - Nuclear Operations and General Supervisor - Operations to the new titles of Manager - Calvert Cliffs Nuclear Power Plant and General Supervisor - Nuclear Operations, respectively.

The licensee evaluated these proposed changes against the standards of 10 CFR 50.92 and has determined that these amendments would not:

(i) Involve a significant increase in an accident probability or consequences of an accident previously evaluated...

These changes are administrative in nature. No plant equipment or operations are affected. Future organizational changes will still be required to be fully defined with an adequately reviewed and approved safety evaluation performed in accordance with the provisions of 10 CFR 50.59. Furthermore, all future organizational changes will be required to be evaluated against the current level

of commitment described in the licensee's Quality Assurance program and thus, must comply with the requirements of 10 CFR 50.54. As such, these proposed changes do not involve any increase in the probability or consequences of an accident previously evaluated.

(ii) Create the possibility of a new or different type of accident from any accident previously evaluated...

As this proposal does not alter any plant operability requirements, surveillance testing, maintenance, or system design or functions, no possibility of creating a new or different type of accident would result from the proposed changes.

(iii) Involve a significant reduction in margin of safety...

All plant operational requirements are unaffected by these proposed administrative changes. All organizational requirements potentially affecting plant safety (i.e., personnel required to hold operators licenses) remain unchanged. Therefore, these proposed changes will not involve any reduction in a margin of safety.

Finally, on March 6, 1986, the NRC published guidance in the *Federal Register* (51 FR 7751) concerning examples of amendments that are not likely to involve a significant hazards consideration.

These changes are consistent with two of the examples provided: "(i) a purely administrative change to the Technical Specifications; for example, a change in nomenclature and (ii) a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications." Consequently, the NRC staff proposes to determine that these proposed changes to TS 6.1, 6.2, 6.5.1, 6.8, 6.16 and 6.17 involve no significant hazards consideration.

*Local Public Document Room location:* Calvert County Library, Prince Frederick Maryland.

*Attorney for licensee:* Jay E. Silbert, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Project Director:* Robert A. Capra, Director

Boston Edison Company Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

*Date of amendment request:* June 30, 1988

*Description of amendment request:* The amendment would change the degraded voltage trip and alarm setpoints (Tables 3.2.B, 3.2.B.1 and Limiting Condition for Operation 3.9.B)



based on a recent analysis of the electrical power distribution system for the Pilgrim Plant. The analysis indicated the trip setpoint should be set at 3868V  $\pm 0.5\%$  in order that the safety related devices on the worst case motor control center have sufficient voltage for proper and safe operation. The alarm setpoint should be set at 3959  $\pm 0.5\%$  to allow for required operator action and permit load shedding when required during a LOCA. The installation of newer, more reliable, and higher quality solid state relays allows the revised setpoints and tolerances to be used. The remarks section of Table 3.2.B and 3.2.B.1 have also been reworded to provide the operators with a more detailed description of the load shedding logic associated with the degraded voltage protective relays.

**Basis for proposed no significant hazards consideration determination:** The Commission has provided standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed amendment against the standards in 10 CFR 50.92 and has determined the following:

(1) Operation of the Pilgrim Nuclear Power Station (PNPS) in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Raising the degraded voltage setpoints does not affect the operation of equipment relied on in the accident analysis because the voltage at the safety-related devices continues to be maintained above the voltage where proper operation can be assured.

The proposed changes are being made to maintain the existing protection provided by the degraded voltage protection relays. Previously evaluated performances of safety systems will not be changed by raising the degraded voltage trip and alarm setpoints. Therefore, the proposed changes will not involve a significant increase in the probability or consequences of any accident previously evaluated.

(2) Operation of PNPS in accordance with the proposed amendment would

not create the possibility of a new or different kind of accident from any accident previously evaluated.

It is concluded from the system evaluations, discussed in Item 1, that the proposed degraded voltage setpoints do not change any accident analyses previously evaluated for the affected systems.

Safety-related equipment continues to be provided adequate voltage to perform their intended safety functions. Therefore, the proposed change will not create the possibility of a new or different kind of accident.

(3) Operation of PNPS in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

For the reasons stated in Items 1 and 2 above, it is concluded that the proposed changes do not alter or remove other existing technical specifications, do not change any accident analysis previously evaluated and, do not reduce the margin of safety for equipment relied on in the accident analysis. Therefore, the proposed amendment will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, based on this review, the staff proposes to determine that the requested amendment does not involve a significant hazards consideration.

**Local Public Document Room**  
location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

**Attorney for licensee:** W. S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199

**NRC Project Director:** R. H. Wessman, PDI-3

**Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina**

**Date of amendment request:**  
December 15, 1987, as supplemented April 15, 1988

**Description of amendment request:**  
The request proposes five changes to Technical Specification (TS) 3/4.7.8 for Catawba Nuclear Station, Units 1 and 2. They are: Change 1 would delete an optional sampling plan for snubber inspection (Surveillance Requirement 4.7.8e.3)—the "55" snubber plan which has never been used at Catawba; Change 2 would allow deletion of the "reject" line from Figure 4.7-1 and in the "37" functional test plan (Surveillance Requirement 4.7.8e.2); Change 3

proposes an alternate sampling plan, not yet approved by the American Society of Mechanical Engineers (ASME), involving grouping of snubber failure modes; Change 4 would allow deletion of the phrase "of a type" from Surveillance Requirement 4.7.8e.; and Change 5 would delete the requirement to inspect snubber attachment hardware (Surveillance Requirement 4.7.8c.—Visual Inspection Acceptance Criteria) because this inspection is already under the requirements of ASME Code, Section XI.

Only changes 2 and 5 are discussed below. However, changes 1, 3 and 4 remain under NRC staff's review and consideration although they are not covered by this notice.

Change 2 would revise the acceptability criteria for snubber testing by the "37" functional test plan in Surveillance Requirement 4.7.8e.2) by deleting the "reject" line from Figure 4.7-1, which could unnecessarily require the functional testing of all 1600 snubbers. A similar revision was approved in TS amendments 46 and 27, issued September 30, 1985, for McGuire Nuclear Station, Units 1 and 2, respectively.

Change 5 would revise Surveillance Requirement 4.7.8c. to delete the portion related to the inspection of the hardware by which a snubber is attached to its supporting structure. This hardware would instead be inspected in accordance with the less stringent requirements of ASME Code, Section XI.

**Basis for proposed no significant hazards consideration determination:**  
The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee, in its April 15, 1988 submittal, provided the following evaluation of Change 2:

This change would allow deletion of the reject line from Figure 4.7-1 and in the 37 functional test sample plan (Surveillance 4.7.8e.2)).

The justification for this has already been evaluated for the McGuire Technical Specification change issued September 30, 1985. This change has also been agreed upon by the OM-4 working group for Revision 2 of the OM-4 standard.



Deletion of the "REJECT" line will remove the possibility of rejecting a good population of snubbers which would require unnecessary testing of the total population of approximately 1600 snubbers.

The discussion of the statistical significance of deleting the reject line was presented as justification for the McGuire amendment. This discussion is applicable to Catawba.

With regard to the three 10 CFR 50.92 standards, the licensee's evaluation is as follows:

(1) Deletion of the "REJECT" line will not involve a significant increase in the probability or consequences of an accident. Deletion of the "REJECT" line will omit the possibility of rejecting a good population of snubbers without increasing the possibility of passing a bad population. The requirement to continue testing additional samples of snubbers if inoperable snubbers are found will remain in the specifications.

(2) The proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated because the amendment will not result in a change to the design or operation of the station.

All snubbers will still be required to be operable and appropriate snubber inspections will continue to be performed. As such, this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed change will not result in a significant reduction in a margin of safety.

Deletion of the "REJECT" line will remove the possibility of unnecessarily having to test all of the snubbers at the station. The requirement to test additional samples of snubbers when inoperable snubbers are found will be retained. Therefore this change will not significantly reduce a margin of safety.

For Change 5 the licensee's April 15, 1988 submittal provides the following evaluation:

Surveillance 4.7.8c. Visual Inspection Acceptance Criteria goes beyond inspection of the snubber and its attachment to supporting structures. It also requires inspection of the attachment hardware. This inspection is already under the requirements of ASME Sect XI IWF, which the OM-4 working group has acknowledged. The inspection plan (ISI) required by the ASME Code, Section XI, IWF for hanger supports, including snubbers, is performed under procedure using a certified VT-3 inspector. For the snubber Technical Specification to require more stringent visual inspections for snubbers (which are needed to function during an earthquake) than on other piping supports (which are always needed to function) is an undue burden on the plant staff.

Approximately 1000 snubbers require removal and replacement of mirror insulation in order to perform this inspection. Because of the potential for the creation of airborne radioactivity as a result of removing the insulation, respirator protection is required for any jobs being performed in the area. It is estimated that the cost associated with work

is in excess of \$100,000 each year. This change is recommended so that unnecessary man-rem and man-hours can be saved.

The licensee provided the following evaluation with regard to the three 10 CFR 50.92 standards:

(1) Deletion of the requirement to inspect attachment hardware will remove an unnecessary burden from the snubber specification. This inspection is already required under Section XI of the ASME Code. The Section XI inspection will be performed as required, thus this change will not significantly increase the probability or consequences of any previously evaluated accident.

(2) The proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated because the amendment will not result in a change to the design or operation of the station.

All snubbers will still be required to be operable and appropriate snubber inspections will continue to be performed. As such, this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Deletion of the requirement to inspect the snubber attachment hardware will eliminate an unnecessary amount of inspection. Since this inspection is required to be performed per Section XI of the ASME Code, deletion from the specifications will not result in a significant reduction in a margin of safety.

The staff has considered proposed changes 2 and 5, and agrees with the licensee's evaluation of each of these changes with respect to the three standards.

On this basis, the Commission has concluded that the requested changes meet the three standards and, therefore, has made a proposed determination that the amendment application does not involve a significant hazards consideration.

*Local Public Document Room*  
location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

*Attorney for licensee:* Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

*NRC Project Director:* David B. Matthews

**Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina**

*Date of amendment request:* July 11, 1988

*Description of amendment request:* The proposed amendments would revise the Total Number of Channels in Table 3.3-10 titled "Accident Monitoring Instrumentation" for the: (1) Auxiliary Feedwater Flow Rate, (b) PORV Position

Indicator, and (c) PORV Block Valve Position Indicator. The first two changes would reduce the total number of channels from 2 to 1 for Catawba Units 1 and 2, and the third change would reduce it from 2 to 1 for Unit 1 only. For Unit 2, the third change was approved in license amendments 46 and 39, issued on June 1, 1988, for Catawba Units 1 and 2, respectively.

The Auxiliary Feedwater Flow Rate and PORV Position Indicator channels are classified as Type D variables and fall under the Category 2 definition as presented in Regulatory Guide (RG) 1.97. Thus, a single channel would be adequate. However, the PORV Block Valve Position Indicator is not addressed in RG 1.97.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided certain examples (51 FR 7744) of actions likely to involve no significant hazards considerations. The request involved in this case does not match any of those examples. However, the staff has reviewed the licensee's request for the above amendments and determined that should this request be implemented, it would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed changes reflect the intent of the system design and are in accordance with RG 1.97, Revision 2.

Also, the proposed amendments would not (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the instrumentation affected is used for post-accident monitoring and the proposed changes would not introduce unanalyzed conditions or new modes of operation for any safety-related systems. For the reasons stated in items (1) and (2) above, the proposed changes would not (3) involve a significant reduction in a margin of safety.

Accordingly, the Commission proposes to determine that the proposed amendments involve no significant hazards considerations.

*Local Public Document Room*  
location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

*Attorney for licensee:* Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

*NRC Project Director:* David B. Matthews



Duquesne Light Company, et. al., Docket No. 50-334 and 412, Beaver Valley Power Station, Units 1 and 2, Shippingport, Pennsylvania

*Date of application for amendment:* June 11, 1988

*Description of amendment request:* The amendment would revise the administrative control requirements to reflect changes to the Nuclear Group organization, and incorporate general requirements to replace the organization charts in accordance with the guidance provided in the staff's Generic Letter 88-08.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards in 10 CFR 50.92(c) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The licensee determined, and the NRC staff agrees, that:

(1) The proposed amendment does not involve an increase in the probability or consequences of an accident previously evaluated because the reorganization of the nuclear group and deletion of the organization charts from the Technical Specifications do not affect plant operation. As in the past, the NRC will continue to be informed of organizational changes through other required controls. In accordance with 10 CFR 50.34(b)(6)(i) the licensee's organizational structure was included in the Final Safety Analysis Report, and as required by 10 CFR 50.71(e), the licensee submits annual updates to the FSAR. In addition, Appendix B to 10 CFR 50 and 10 CFR 50.54(a)(3) govern changes to organization described in the quality assurance program; some of these organizational changes require prior NRC approval. Also, it is the licensee's practice to inform the NRC of organizational changes affecting the nuclear facilities prior to implementation.

(2) The proposed amendment does not create the possibility of a new or different kind of accident from those previously evaluated because the proposed changes are administrative in nature, and do not involve any physical

alterations of plant configuration, set points or operation procedures.

(3) The proposed amendment does not involve a reduction in a margin of safety because the proposed amendment only changes the administrative parts of the Technical Specifications from specific to generic, and does not relax any requirements. Operation of the units will continue to be governed by current regulations, current operating specifications and the licensee's commitments.

Accordingly, the staff proposes to determine that this change does not involve a significant hazards consideration.

*Local Public Document Room location:* B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

*Attorney for licensees:* Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC 20037

*NRC Project Director:* John F. Stolz  
GPU Nuclear Corporation, et al., Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

*Date of amendment request:* June 21, 1988

*Description of amendment request:* The June 21, 1988 request identified as TSCR172 by the licensee would delete the requirement for a daily exercise of the Main Steam Isolation Valves (MSIVs). The basis has also been changed to reflect deletion of this requirements. Specifically, these changes are as follows:

(a) Section 4.5.1.3.a of the Technical Specifications has been deleted and Section 4.5.1.3.b has been incorporated in Section 4.5.1.3.

(b) The basis for MSIV Testing has been revised to reflect the requirements of the ASME Boiler and Pressure Vessel Code, Section XI, 1974 edition with 1973 addendum.

*Basis for proposed no significant hazards consideration determination:* The licensee has evaluated its proposed changes against the standards in 10 CFR 50.92. The results are as follows:

*Section 4.5.1.3.a*

(1) The proposed change will not involve a significant increase in the probability or consequence of an accident previously evaluated. This change results in deletion of the daily exercise of the MSIVs. Quarterly valve operability testing will be maintained as presently required. Such testing is in accordance with the ASME Boiler and Pressure Vessel Code, Section XI, 1974 edition with winter 1973 addendum which is approved under 10 CFR 50.55a

and provides sufficient indication of valve reliability. Daily cycling of the MSIVs results in accelerated wear of the upper rib and poppet pad which may result in degradation of the valve seat tightness which is counter productive in assuring valve reliability.

The daily test is accomplished by slow closure which is not representative of the valve response when performing its design function; therefore, the daily test is not indicative of valve response during an actual event. Elimination of this testing will not result in an increase of the probability of valve failure during accidents previously evaluated since the quarterly test verifies the capability of the valve to accomplish its design function.

(2) The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change only eliminates the daily exercise and does not result in any change to the system configuration or function. Therefore, there is no change to the design function or actuating logic. Valve reliability will be demonstrated during the required quarterly testing which remains unchanged.

(3) The proposed change does not involve a significant reduction in the margin of safety. MSIV operability is assured by performance of the quarterly functional testing and is not enhanced by the daily exercise to the 95% open position. Such daily testing is accomplished by slow closure which does not represent the fast closure capability of the valves. Daily cycling in this manner is excessive and results in unnecessary wear on the MSIV internals. Since the quarterly functional testing assures valve operability, as in the past, the margin of safety is not reduced and unnecessary wear on valve internals is eliminated.

*Sections 4.5.1.3.b and 4.5.1.3*

Section 4.5.1.3.b has been incorporated into section 4.5.1.3. The technical requirement remains unchanged. Therefore, this change is purely administrative and does not involve any increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident, nor does it result in a decrease in the margin of safety.

The staff has reviewed the licensee's submittal and concurs with its no significant hazards determination.

*Local Public Document Room location:* Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753



*Attorney for licensee:* Ernest L. Blake, Jr., Esquire. Shaw, Pittman, Potts, & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Project Director:* John F. Stolz

**Gulf States Utilities Company, Docket No. 50-498, River Bend Station, Unit 1 West Feliciana Parish, Louisiana**

*Date of amendment request:* May 25, 1988 as supplemented July 6, 1988

*Description of amendment request:* The proposed amendment would revise License Condition 2.C(14), Emergency Response Capabilities, Attachment 5, Item 3. Item 3 of Attachment 5 to the license, requires that prior to startup from the second refueling outage, the licensee shall implement modifications (installation or upgrade) for neutron flux monitoring consistent with the guidance of Regulatory Guide 1.97, Revision 2 unless prior approval of an alternate design is granted by the NRC staff. The proposed change to Attachment 5, Item 3., would delay implementation until a refueling outage following the issuance of the NRC safety evaluation relating to the Boiling Water Reactor Owner's Group (BWROG) topical report, Position or NRC Regulatory Guide 1.97, Revision 3, Requirements for Post-Accident Neutron Monitoring System, NEDO-31558, March 1988. Specifically, the proposed change would state that Gulf States Utilities (GSU) shall implement modifications (installation or upgrade) for neutron flux monitoring consistent with the guidance of Regulatory Guide 1.97, Revision 2 or the NRC staff's Safety Evaluation Report (SER) of the BWROG topical report NEDO-31558. Modifications, if required, shall be completed before restart from the next refueling outage starting after 10 months from the date of receipt of the NRC staff SER on NEDO-31558.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application.

1. No significant increase in the probability or the consequences of an accident previously evaluated results from this change because:

There is no change in system design or operation. The license condition currently requires upgrade of the neutron flux monitoring system (NMS) during the second refueling outage. This license condition proposed change will allow operation with the currently installed system which has been found to comply with all criteria proposed in the BWROG letter. This system is required to provide neutron flux indication and is not postulated to initiate any accidents. The neutron monitoring system is used to verify reactor shutdown as part of the Emergency Operating Procedures (EOPs). The use of neutron monitoring in the EOPs is conservative in that, if it is not available, actions are specified which will lead to safe shutdown without the system. The requirements of Regulatory Guide (RG) 1.97 concerning neutron monitoring are additions to the existing system abilities. Therefore, delay in upgrade to RG 1.97 requirements will not significantly increase the probability of an accident and would not lead to an increase in the consequences of an accident as defined in the safety analysis because of the conservative EOP actions.

2. This change would not create the possibility of a new or different kind of accident from any accident previously evaluated because:

The current system has been evaluated using alternate criteria proposed in NEDO-31558 and found acceptable for continued operation. This change does not involve any changes to design or operation. In addition, the neutron monitoring system is not postulated as the initiator of any accidents. Therefore, no new or different accidents are created.

3. This change would not involve a significant reduction in the margin of safety because:

Design, function, and operation of the existing neutron monitoring system remain the same. There is no specified "margin of safety" associated with this system as used in RG 1.97 other than to assure reactor shutdown following a transient or accident. EOP actions are conservative with respect to the use of neutron monitoring for verification that the reactor is shutdown. When not available during an accident or transient scenario, actions are specified which will lead to reactor shutdown. Because these actions lead to a safe plant condition (reactor shutdown), the margin of safety is not reduced. In addition, this request does not result in a reduction to the margin of safety as defined in the bases of the River Bend Station (RBS) Technical Specifications.

Because the present RBS design meets all criteria provided in the BWROG License Topical Report, NEDO-31558, which was submitted to the NRC April 1, 1988, as supported by the plant-specific evaluation in this amendment request, extension of the implementation date for a neutron monitoring system meeting RG 1.97 guidance is justified. This extension allows the NRC to complete

their evaluation of the Licensing Topical Report, which provides an alternative design as allowed by the license condition to comply with the RG 1.97 requirements. In addition, GSU will be able to better plan its resource utilization to address the NMS pursuant RG 1.97 after the staff's SER is received.

The staff has reviewed the licensee's no significant hazards consideration determination. Based on the review and the above discussions, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

*Local Public Document Room location:* Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

*Attorney for licensee:* Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006

*NRC Project Director:* Jose A. Calvo

**Gulf States Utilities Company, Docket No. 50-498, River Bend Station, Unit 1 West Feliciana Parish, Louisiana**

*Date of amendment request:* May 31, 1988

*Description of amendment request:* The proposed amendment would revise the Technical Specifications (TSs) to add action requirements in the event that the scram discharge volume (SDV) vent and drain valves become inoperable. These additions are being requested because currently there are surveillance requirements to demonstrate operability of these valves; however, there are no action statements if the valves are determined to be inoperable. The proposed amendment would modify the TSs as follows:

(1) TS 3.1.3.1d would be added and would require that with one SDV vent valve and/or one SDV drain valve inoperable and open, the inoperable valve(s) must be restored to operable status within 24 hours or be in at least hot shutdown within the next 12 hours;

(2) TS 3.1.3.1e would be added and would require that with two SDV vent valves and/or two SDV drain valves inoperable and open, one valve in the vent line and one valve drain line must be restored to operable status within 8 hours and all valves must be restored to operable status within the next 16 hours or at least one vent valve and one drain valve must be closed and be in at least hot shutdown within the next 12 hours; and

(3) TS 3.1.3.1f would be added and would require that with any SDV vent valve(s) and/or any SDV drain valve(s) inoperable and closed, except when required by TS 3.1.3.1e above, all valves must be restored to operable status



within 8 hours or be in at least hot shutdown within the next 12 hours.

*Basis for proposed no significant hazards consideration determination:*

The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application.

1. The change proposed by this submittal does not involve a significant increase in the probability or the consequences of a previously evaluated accident because:

The proposed Action (d) provides "additional" action requirements to be met in the event of one SDV vent and/or one SDV drain valve is found inoperable and open. In this configuration, at least one vent and one drain valve are capable of automatically closing on a scram signal to provide the required isolation function. The 24 hours allowed by this proposed action requirement allows sufficient time to find and correct the problem without requiring the unit to shutdown unnecessarily when the isolation function is still capable of being performed.

The proposed Action (e) provides "additional" action requirements to be met in the event that two SDV vent and/or two SDV drain valves are found inoperable and open. In this configuration, the isolation function of the SDV cannot be performed. Therefore, a more restrictive 8 hours are proposed to allow time to find and correct the problem. In the event of a reactor scram while operating in this configuration, reactor coolant would be released to the containment equipment drain sumps. However, this effluent would still be contained within the primary containment. Adequate reactor vessel makeup would be available from either the condensate and feedwater systems or the high pressure core spray system. Therefore, the safe shutdown of the unit is not adversely affected. The proposed action requirements would further require the remaining SDV vent and drain valves be restored to operable status within the next 16 hours. This is consistent with proposed Action (d) since all vent and drain valves would be required to be made operable within 24 hours.

The proposed Action (f) provides "additional" action requirements to be met in the event that any SDV vent or SDV drain valves are found inoperable and closed. In this configuration, the isolation function of the SDV is being maintained by the closed inoperable valve(s). When there is no scram and the inoperable valves are closed, water will accumulate in the SDV. Although this

condition may initiate a reactor scram, the valves are in their preferred closed position. The redundant and diverse SDV water level instrumentation and automatic reactor scram will ensure adequate SDV volume will remain to accept the water displaced during a scram while operating in this configuration. The proposed Action (f) is conservative by allowing only 8 hours for restoration of the SDV vent and drain valves to accumulate in the SDV. Therefore, the safe shutdown of the unit would not be adversely affected. The 8 hours allowed by this proposed action allows sufficient time to find and correct the problem without requiring the unit to be shutdown unnecessarily when the isolation function of the SDV is being performed.

If any of the actions are not met within the proposed time requirements, the unit will be required to be placed in at least hot shutdown within 12 hours. This requirement is consistent with the action requirements previously approved on other Mark III BWR/6 nuclear plant dockets for Perry, Clinton, and Grand Gulf.

Additionally, this change will not result in any design or hardware changes and is within the capabilities of the current equipment. Adequate makeup capability to the reactor vessel would be available from the condensate and feedwater systems or the high pressure core spray systems in the event of a failure to isolate the SDV during a scram. Additionally, any reactor coolant released through inoperable and open SDV vent and/or drain valves would be collected in the containment equipment drain sumps and would be contained within the primary containment. Therefore, the safe shutdown capability of the unit is not adversely affected.

The small break LOCA inside containment analyses provided in Chapters 6 and 15 of the River Bend Station updated safety analysis report (USAR) are still bounding. As stated in Chapter 6 of the USAR, the resulting drywell temperatures are significantly lower for this type of small break LOCA than one in which blowdown flow consists of reactor steam only.

2. The change proposed by this submittal does not create the possibility of a new or different kind of accident from any previously evaluated because:

The proposed "additional" action requirements do not result in any design or hardware changes and are within the capabilities of the current equipment. In addition, the proposed change imposes more detailed action requirements on River Bend Station (RBS) than currently required by the Technical Specifications. Adequate makeup capability to the reactor vessel would be available from the condensate and feedwater systems or the high pressure core spray system in the event of a failure to isolate the SDV during a scram. Additionally, any reactor coolant released through inoperable and open SDV vent and/or drain valves would be collected in the containment equipment drain sumps and would be contained within the primary containment. Therefore, the safe shutdown of the unit is not adversely affected.

3. This proposal as submitted does not involve a significant reduction in the margin of safety because:

These proposed changes provide more definite action requirements for the conditions when either one or two vent and/or drain valves are inoperable.

The proposed "additional" action requirements are consistent with the provisions in other recently licensed BWR/6 plants with similar design features as River Bend. More specifically, the proposed action requirements would conform to those previously approved on the Grand Gulf docket. These additional requirements do not significantly reduce any margin of safety because the changes provide assurance that provisions are made to address the situation where one or two SDV vent and/or drain valves are inoperable without causing an immediate shutdown per the provisions of Technical Specification 3.0.3. Because these actions lead to a safe plant condition (reactor shutdown), the margin of safety is not reduced. In addition, this request does not result in a significant reduction to the margin of safety as defined in the bases of the RBS Technical Specifications.

The proposed amendment, as discussed above, has not changed the system design or function as discussed in the USAR. The proposed action requirements are consistent with other recently licensed BWR/6 plants with similar design features as River Bend. In the event of a reactor scram with the SDV incapable of performing its isolation function, adequate reactor coolant makeup would be available and the current small break LOCA analyses presented in the River Bend USAR would still bound this condition.

Additionally, any reactor coolant released through inoperable and open SDV vent and/or drain valves would be collected in the containment equipment drain sumps and would be contained within the primary containment. Therefore, the proposed amendment will not increase the probability or the consequences of a previously evaluated accident and will not create a new or different accident. Since the proposed changes provide adequate action requirements to assure that provisions are made to address the situation where SDV vent and/or drain valves are inoperable without imposing an unnecessary operational transient associated with immediate shutdown in accordance with Technical Specification 3.0.3, the proposed change does not result in a significant reduction in the margin of safety. Therefore, CSU proposes that no significant hazards considerations are involved.

The staff has reviewed the licensee's no significant hazards consideration determination. Based on the review and the above discussions, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

*Local Public Document Room location:* Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

*Attorney for licensee:* Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006



*NRC Project Director:* Jose A. Calvo

**Gulf States Utilities Company, Docket No. 50-498, River Bend Station, Unit 1 West Feliciana Parish, Louisiana**

*Date of amendment request:* June 21, 1988

*Description of amendment request:*

The amendment would delete Figure 6.2.1-1, River Bend Station Organization, and Figure 6.2.2-1, River Bend Station Organization, and replace them with a functional description of the offsite and onsite organizations in Section 6.2.1 of the Technical Specifications (TSs). Where qualifications for certain positions are currently designated by organization charts as requiring a Senior Reactor Operator or Reactor Operator license, they are included in Section 6.2.2 of the proposed TS. Guidance for the deletion of organization charts from the TSs was provided in the NRC's Generic Letter 88-06, Removal of Organization Charts from Technical Specification Administrative Control Requirements, March 22, 1988.

The amendment would also delete the address for correspondence concerning monthly operating reports in Section 6.9.1.6 of the TSs because it duplicates the address instructions for all routine reports in Section 6.9.1.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application.

1. The proposed deletion of organization charts from River Bend Station (RBS) Technical Specifications does not affect plant operations. Gulf States Utilities (GSU) believes that the current organization charts in the RBS TSs have been of little assistance in ensuring that the objectives of administrative control requirements are met. Organizational characteristics important to safety are defined and maintained in the Updated Safety Analysis Report (USAR) in accordance with the Code of Federal Regulations, Title 10, Part 50.34(b)(6)(i). Detailed information on organizational structure, reporting responsibilities, qualifications, and purpose are maintained in

the USAR and updated annually in accordance with 10 CFR 50.71(e). In addition, this proposed change does not impact previously evaluated safety analysis as identified in USAR sections 6 or 15. Therefore, GSU proposes that the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. These proposed changes affect administrative controls in the RBS TSs and do not affect plant equipment, physical features, or the required technical qualifications of plant personnel. Specific operational requirements are required elsewhere in the TS that bear more directly on operational safety than organization charts.

Therefore, GSU proposes that the requested amendment does not create the possibility of a new or different kind of accident than previously evaluated.

3. No technical limits are changed or reduced by this proposed amendment. There is no reduction of authority, responsibility, or administrative reporting requirements of individuals in the RBS organization due to the deletion of organization charts. Many of the details shown on the organization charts are not essential to the safe operation of the facility. In addition, these proposed changes do not reduce the margin of safety as defined in the basis of the RBS TS. Therefore, GSU proposes that the requested amendment does not involve significant reduction in the margin of safety.

Since the proposed amendment does not change any safety analysis as described in the USAR nor does it create the possibility of a new or different type of accident or significantly reduce a margin of safety, GSU proposes that no significant hazards are involved.

The staff has reviewed the licensee's no significant hazards consideration determination. Based on the review and the above discussions, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

#### *Local Public Document Room*

*location:* Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

*Attorney for licensee:* Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006

*NRC Project Director:* Jose A. Calvo

**Gulf States Utilities Company, Docket No. 50-498, River Bend Station, Unit 1 West Feliciana Parish, Louisiana**

*Date of amendment request:* June 21, 1988

*Description of amendment request:*

The proposed amendment would revise the Technical Specifications (TSs) to bring the TSs in agreement with proposed changes to the Asiatic Clam Control Program (ACCP) that were submitted to the NRC for review and approval. The proposed changes to the

ACCP were submitted by letter dated August 31, 1987 and revised by letter dated March 30, 1988. The proposed amendment would modify TS 6.8.4.d., Biofouling Prevention and Detection, as follows:

1. Delete the requirement for NRC staff approval of the ACCP prior to introduction of river water to plant systems. The NRC staff approved the current ACCP by letter dated September 27, 1985 and Mississippi River water was introduced into the plant cooling system in November 1985. Thus, this requirement was met.

2. Delete the requirement for monitoring to detect the presence of Corbicula in the Mississippi River and add the requirement for monitoring to detect Corbicula in the clarifier influent.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application.

(1) No significant increase in the probability or the consequences of an accident previously evaluated results from this change because:

The proposed deletion from River Bend Station (RBS) TS does not affect plant operations. Gulf States Utilities (GSU) believes that the current river channel sampling has been of little assistance in ensuring that the objectives of the administrative control requirements are met.

Biofouling of safety-related components by *Corbicula* does not increase the probability of an accident previously evaluated. Therefore, accident initiating events involving equipment susceptible to biofouling are not addressed in the current safety analysis. Safety-related components served by service water only mitigate the consequences of an accident and are not initiators of analyzed accidents.

The prevention and detection elements of the ACCP, such as performance trending of safety-related components, visual inspection of components, and chlorination of the normal service water system, continue to provide redundant assurance that safety-related components will be available to perform their intended function following an incident. No changes to the prevention and



detection elements are being requested. This proposed change involves only the suspension of river channel monitoring.

(2) This change would not create the possibility of a new or different kind of accident from any accident previously evaluated because:

This proposed change does not affect plant equipment, physical features, or the required staffing or qualifications of plant personnel as currently required in TS Section 6.0. Specific operational requirements are required elsewhere in the TS that bear more directly on operational safety than river channel sampling.

The implications of biofouling by bivalve organisms such as *Corbicula* have been identified in IE Bulletin 81-03 and as a generic safety issue (GSI). The implications of *Corbicula* biofouling at RBS were evaluated and the ACCP was found acceptable in SER Supplement No. 5 Section 9.2.1. The proposed change does not create the possibility of an accident new or different from those evaluations mentioned above since the ACCP assumes that *Corbicula* will be introduced into plant systems. The element of the ACCP regarding the monitoring for *Corbicula* in the source water is not diminished by the deletion of monitoring in the Mississippi River channel since monitoring will continue for adult/large juvenile clams in the embayment makeup pump area and for larval/smaller juvenile clams in the clarifier influent. Therefore, the effectiveness of the ACCP will not be decreased by these proposed changes. Prevention and early detection of biofouling within these systems continues to assure that safety-related systems will not be prevented from performing their intended functions.

(3) This change would not involve a significant reduction in the margin of safety because:

The proposed change affects only Section 6.0, Administrative Controls, of the TS. No technical limits are changed or reduced by this proposed amendment. The monitoring for presence or relative abundance of *Corbicula* in the Mississippi River channel is not essential to the safe operation of the facility. Relevant monitoring for *Corbicula* detection and prevention in the source water will continue to be performed as part of the approved ACCP. Suspension of river channel sampling from TS Section 6.0 represents no reduction in safety requirements. In addition, this proposed change does not reduce the margin of safety as defined in the basis of the RBS TS. Therefore, GSU proposes that the requested amendment does not involve a significant reduction in the margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination. Based on the review and the above discussions, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

**Local Public Document Room**  
location: Government Documents  
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**Attorney for licensee:** Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747

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**NRC Project Director:** Jose A. Calvo

**Illinois Power Company, Soyland Power Cooperative, Inc., Western Illinois Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois**

**Date of amendment request:** February 5, 1988

**Description of amendment request:**  
This proposed amendment would revise the trip setpoint, allowable value and instrument-zero point specified for the suppression pool water level instrument associated with Technical Specification Tables 3.3.3-2 and 3.3.5-2. The proposed change only electronically affects the instrument loop indication and does not change the design basis for the trip function. Therefore, the actual suppression pool level (in terms of elevation) at which the trip function should occur will remain unchanged.

Initial performance of the plant calibration procedure revealed that, due to an error in the installation design, the desired calibration range for the noted instrument loop did not properly correspond to the calibration range of the installed transmitters. The effect of this was that the values indicated in inches (water column) by the analog trip module (ATM) for the Trip Setpoint and Allowable Value did not match the values specified in inches (water column) in the Technical Specifications. The licensees decided that the problem could be remedied without relocating the sensor by redesignating the instrument-zero point and correspondingly respecifying the associated Trip Setpoint and Allowable Value. The instrument would still continue to operate satisfactorily for the minimum range of water level (elevation) required. The effect of redesignating the instrument-zero point is to shift the ATM-indicated water level values by 15 inches. The Technical Specification thus needs to be changed to reflect the ATM-indicated values. That is, under the revised Technical Specification, the ATM-indicated values for the Trip Setpoint and Allowable Value would match the values indicated by the Technical Specification Table.

**Basis for Proposed No Significant Hazards Consideration Determination:**  
The staff has evaluated this proposed amendment and determined that it involves no significant hazards considerations. According to 10 CFR 50.92(c), a proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin safety.

The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed changes do not change the actual level (in terms of elevation) at which the affected instrument is designed to trip. Thus, the analytical basis from which the Trip Setpoint and Allowable Value were determined remains unchanged.

The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated because no changes to plant operation or changes to the design function of the instrument are proposed.

The proposed changes do not involve a significant reduction in a margin of safety because they do not alter the relationship between the Trip Setpoint, Allowable Value, instrument-zero point and analytical limit. The design basis of the Trip Setpoint is unchanged. The proposed change to the Technical Specification reflects a change to the instrument loop that will more closely match the sensor range to the range indicated by the trip unit thus enhancing satisfactory operation of the instrument loop and satisfactory performance of the instrument loop calibration.

For the reasons stated above, the staff believes this proposed amendment involves no significant hazards considerations.

**Local Public Document Room**  
location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

**Attorney for licensee:** Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606

**NRC Project Director:** Daniel R. Muller

**Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine**

**Date of application for amendment:** July 30, 1987.

**Description of amendment request:**  
The proposed technical specification change provides restrictions on the reliance on one of the two available 115 KV incoming transmission lines to meet Technical Specification 3.12 until a new capacitor bank is made operational.



A study has shown that the 115 KV Mason line was capable of maintaining adequate voltage while supplying these worst case loads. Since Maine Yankee normally relies on the 115 KV Mason line, the reliance on the Surowiec line would only be of concern if the Mason line were to be out of service under these worst case loading conditions.

Following completion of this study, Maine Yankee established administrative controls to prevent the Surowiec line from being relied on to meet Technical Specification 3.12.A.1 or 3.12.B.1 without additional justification being provided. The proposed technical specification change serves to strengthen those administrative controls.

Maine Yankee plans to install a capacitor bank to improve the voltage of the Surowiec line. With capacitor bank operational, it is expected that the Surowiec line will be capable of maintaining adequate voltage while supplying peak auxiliary and safeguards loads under all expected conditions. Therefore, the proposed technical specification restriction on the use of the Surowiec line becomes void once the capacitor bank is operational.

**Basis for proposed no significant hazards consideration:** The licensee has presented the following basis for no significant hazards consideration:

The Proposed Change is administrative in nature and does not involve a significant hazards consideration for the reasons set forth below.

1. Does the change increase the probability or consequences of an accident previously evaluated in the FSAR?

The Proposed Change provides additional restrictions on one of the available 115 KV lines. It does not affect the probability or consequences of any accident evaluated in the FSAR.

2. Does the change create the possibility of a new type of accident not previously analyzed in the FSAR?

The Proposed Change is administrative in nature and does not create the possibility of a new type of accident.

3. Does the change decrease the margin of safety established in the basis of the Technical Specifications?

The Proposed Change places restrictions on one of the two available 115 KV transmission lines until a new capacitor bank is made operational. The Proposed Change provides additional assurance that the margin of safety of Technical Specification 3.12 is maintained until the adequacy of the Surowiec line is restored through the installation of the capacitor bank.

We have reviewed the licensee's analysis and have agreed with it. Accordingly, the Commission proposes to determine that this change does not involve a significant hazard.

**Local Public Document Room location:** Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578.

**Attorney for licensee:** J. A. Ritscher, Esq., Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02210.

**NRC Project Director:** R. Wessman

**Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut**

**Date of amendment request:** February 24, 1988

**Description of amendment request:** The proposed amendment would change Technical Specification (TS) 3.3.3.9, "Radioactive Liquid Effluent Monitoring Instrumentation" and TS 3.3.3.10, "Radioactive Gaseous Monitoring Instrumentation." The proposed changes provide for the following: (1) allowance for planned inoperability of monitoring instrumentation for up to 12 hours for the purpose of maintenance and performance of required tests, checks, calibration or sampling, (2) a requirement to initiate auxiliary sampling within 12 hours after inoperability of certain gaseous effluent monitors, and (3) allowance for inoperability of certain liquid effluent monitoring instrumentation, during Mode 6 (refueling), when the effluent pathway is not being used.

**Basis for proposed no significant hazards consideration determination:** The Limiting Conditions for Operation and Surveillance Requirements for liquid and gaseous monitoring instruments are contained in TS 3.3.3.9 and 3.3.3.10, respectively. These instruments monitor effluents during actual or potential releases of effluents and are not credited for operability in any analyzed accident. In the event that these instruments become inoperable, the TS requires the licensee to exercise "best efforts" to repair the instruments. A reporting requirement is also associated with effluent monitor instrument unavailability. At the present time, gaseous and liquid effluent monitors must be operable at all times with the exception of the Warehouse 5 Vent which must be operable when the gross activity of the regenerated waste is greater than  $1 \times 10^{-4}$  micro Curies/ml.

The licensee has proposed that TS 3.3.3.9 and 3.3.3.10 be modified to allow the gaseous and liquid effluent monitors to be made inoperable for up to "..... A maximum of 12 hours for the purpose of

maintenance and performance of required tests, checks, calibrations and sampling." These activities are required to assure continued accurate performance of the subject instrumentation. The licensee has estimated that, based upon operating experience, instrument out-of-service time does not exceed 12 hours per calendar quarter which is less than 1% unavailability. The licensee has also proposed that certain secondary-coolant-side liquid effluent monitors, that do not represent a likely discharge path during refueling, not be required to be operable during refueling (Mode 6). The following instruments would not be required to be operable in Mode 6: (1) Waste Neutralization Sump-Condensate Polishing Facility, (2) Regenerate Evaporator Monitor-Condensate Polishing Facility and (3) Steam Generator Blowdown Monitor.

The licensee has proposed an additional change to TS 3.3.3.10 which presently requires that sampling of radioactive gaseous effluent pathways be undertaken if the minimum specified number of the associated monitoring channels become inoperable. No time limit, to begin monitoring, is presently incorporated in the TS. The licensee has proposed that such monitoring begin within 12 hours of time that the monitoring channels are determined to be inoperable.

With regard to the proposed changes to TS 3.3.3.9 and 3.3.3.10, these proposed changes to the TS would not involve a significant increase in the probability or consequences of an accident previously evaluated. Since the subject monitors were not credited in the present safety analysis, the slight increase in unavailability can not affect the probability or outcome of any analyzed accident. Since the subject monitors do not perform any function to ameliorate the consequences of accidents the misoperation or the failure of these monitors to be available during an accident will not create the possibility of a new or different kind of accident from any previously evaluated. Finally, since the subject monitors are not credited in any accident analysis, the proposed changes to the TS do not involve any reduction in safety margins. Based upon the above, the Commission proposes to determine that the proposed changes to TS 3.3.3.9 and 3.3.3.10 involve no significant hazards considerations.

**Local Public Document Room Location:** Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

**Attorney for licensee:** Gerald Garfield, Esquire, Day, Berry & Howard, One



Constitution Plaza, Hartford,  
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*NRC Project Director:* John F. Stolz

**Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut**

*Date of amendment request:* June 15, 1988

*Description of amendment request:* The amendment would revise Technical Specification Tables 2.2-1 and 3.3-4 to decrease the reactor trip setpoint and the engineered safety features actuation setpoints for auxiliary feedwater initiation identified as steam generator water level Low-Low from 23.5% to 18.10% of the narrow range instrument span. This change would increase the margin between the steam generator water level low-low trip setpoint and the normal operating band. This change reflects the results of a revised calculation of the errors associated with related instrumentation.

*Basis for proposed no significant hazards consideration determination:* NNECO has reviewed the proposed change in accordance with 10 CFR 50.92 and has concluded that it does not involve a significant hazards consideration in that the change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The revised trip setpoint is consistent with the accident analyses assumption. As recommended in WCAP-10991, the revised calculated value accounts for the instrument uncertainty including the harsh environmental effects and drifts. The lower calculated value is mainly due to a more accurate calculation of the effect of the reference leg heat-up on the trip setpoint. It accounts for the effect of a harsh environment both on instruments and cables. The lower setpoint does not delay reactor trip or auxiliary feedwater initiation beyond what is assumed in the analysis. Therefore, the proposed changes have no impact on the consequences of the accidents previously evaluated. The proposed changes have no impact on the probability of failure of the reactor protection system and auxiliary feedwater system. Therefore, the proposed changes do not involve an increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously evaluated. There are no changes in the way the plant is operated, therefore, the potential for an unanalyzed accident is not created, and

there are no new failure modes associated with the proposed changes.

3. Involve a significant reduction in a margin of safety. The proposed changes do not affect the consequences of any accident previously analyzed. Therefore, there is no reduction in a margin of safety.

The NRC staff has reviewed the NNECO's no significant hazards consideration determination and agrees with the analyses. Based on this review, the NRC staff proposes to determine that the requested amendment does not involve a significant hazards consideration.

*Local Public Document Room location:* Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

*Attorney for licensee:* Gerald Garfield, Esquire, Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

*NRC Project Director:* John F. Stolz

**Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego, New York**

*Date of amendment request:* May 27, 1988

*Description of amendment request:* The proposed amendment would revise those portions of Table 3.7-1 ("Process Pipeline Penetrating Primary Containment") of the Technical Specifications (TS) which pertain to the Reactor Water Cleanup (RWC) system isolation valves. The proposed revisions, in part, reflect two modifications which will be completed during the 1988 refueling outage.

One modification involves the addition of an isolation signal (high drywell pressure) to three existing RWC containment isolation valves. When this modification is complete, these valves will be actuated using diverse isolation signals as recommended in Section 6.2.4 of the Standard Review Plan (the criteria referenced in NUREG-0737).

The second modification adds a motor-operated containment isolation valve outside containment in the RWC return line (12MOV-069). This modification will bring the RWC system into compliance with General Design Criterion 55 of Appendix A to 10 CFR 50. This new valve will actuate on diverse isolation signals, including high drywell pressure.

Additionally, the proposed amendment would revise Table 3.7-1 to administratively add an isolation signal to one RWC valve entry (12MOV-18) to make the TS consistent with the original plant design. Another revision

would reduce the maximum allowable closure time for two RWC supply line valves from thirty seconds to twenty seconds to reflect the assumptions made in the environmental qualification analysis.

*Basis for proposed no significant hazards consideration determination:* In accordance with the Commission's Regulations in 10 CFR 50.92, the Commission has made a determination that the proposed amendment involves no significant hazards considerations. To make this determination the staff must establish that operation in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

No accident previously analyzed in the FSAR is adversely affected by any of the proposed changes. RWC system isolation is not an accident or transient initiating event. In the event of an accident, RWC serves no mitigating functions, and, as a nonessential system, it is isolated from the Reactor Coolant System. The modifications described above will improve the system's capability to reliably isolate in the event of an accident. Therefore, operation in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The intentional or unintentional isolation of the RWC system cannot initiate an accident or transient. The new RWC isolation valve duplicates the function of an existing valve. Addition of this new isolation valve and the addition of a new isolation signal to three existing valves will increase the reliability of a post-accident isolation. The remaining changes will assure consistency of the TS and do not entail any physical modifications or changes in operating procedures. Therefore, operation in accordance with the proposed amendment would not create the possibility of a new or different kind of accident.

The modifications described above are intended to improve containment isolation dependability and cannot adversely impact any margin of safety. The new isolation signal increases the redundancy and diversity of physical parameters sensed to isolate containment in the event of an accident. The new valve increases the likelihood that the line will be isolated in the event



of an accident. Spurious isolation of the RWC System is inconsequential since the system has been classified as nonessential and is not required to mitigate the effects of an accident. The changes which are intended to assure consistency of the TS are administrative and also do not impact any margin of safety. Therefore, operation in accordance with the proposed amendment does not involve a significant reduction in a margin of safety.

Since the application for amendment involves proposed changes that are encompassed by the criteria for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

**Local Public Document Room**  
location: State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York 13126.

**Attorney for licensee:** Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

**NRC Project Director:** Robert A. Capra, Director

**Public Service Electric & Gas Company,**  
Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

**Date of amendment request:** May 3, 1988

**Description of amendment request:**  
The amendment request would revise Surveillance Requirement 4.8.2.5.2.e for both Salem Unit 1 and Salem Unit 2 to remove the requirement for performing two separate tests of the 28-volt batteries during certain plant shutdowns. The amendment would allow the satisfactory performance of the more stringent of the two tests to satisfy the surveillance requirements for both the 18 month and the 60 month tests on those occasions when the 60 month test is performed.

**Basis for proposed no significant hazards consideration determination:**  
The Commission has provided standards for determining whether a no significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a

margin of safety. The Public Service Electric and Gas Company reviewed the proposed change and determined and the NRC staff agrees that the proposed amendment does not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change in testing will not significantly impact the operability of the batteries. The performance of the battery discharge test will adequately determine whether the battery operates within acceptable limits relative to its original design capacity as well as the original requirements for the battery design. As such, a separate service test is not necessary at the interval when the discharge test is performed.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. The change in testing in no way affects the operability of the batteries or their ability to function in an accident situation. There is no significant increase in the amounts, and no significant change in the types of effluents that may be released offsite as a result of the proposed change. Also, the proposed change involves no significant increase in individual or cumulative occupational radiation exposure.

(3) Involve a significant reduction in a margin of safety. The purpose of battery service test is to demonstrate the ability of the battery to satisfy the design requirement (battery duty cycle) of the DC system, that is, the ability to support the equipment important to safety for a specific time period. The battery is sized during the plant design stages to have the capacity to perform this function. The purpose of the capacity discharge test is to show that the battery remains within an acceptable percentage of its original design capacity, which was initially demonstrated in the battery acceptance test. Since the battery capacity discharge test demonstrates that the battery is still within acceptable limits relative to its original design, this test also demonstrates, unless a significant change to the DC system has been made during subsequent plant operation (such a change would have been evaluated pursuant to 10 CFR 50.59), that the battery can also satisfy the original design duty cycle. Thus, the capacity discharge test satisfies the intent of the service test and renders performance of the service test unnecessary when performance of the discharge test is required.

Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

**Local Public Document Room**  
location: Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079

**Attorney for licensee:** Mark J. Wetterhahn, Esquire, Conner and Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC 20006

**NRC Project Director:** Walter R. Butler

**Southern California Edison Company, et al.,**  
Docket No. 50-208, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

**Date of amendment request:** February 26, 1988. Amendment Application No. 147 (Proposed Change No. 174)

**Description of amendment request:**  
The amendment would revise Technical Specification 3.5.5, Containment Isolation Instrumentation; 3.5.8, Radioactive Liquid Effluent Instrumentation; 3.5.9, Radioactive Gaseous Process and Effluent Monitoring Instrumentation and 4.1.3, Radioactive Gaseous Process and Effluent Monitoring Instrumentation. The changes are specific to each of the technical specifications affected. They provide clarification and relief for plant operation.

Specification 3.5.5 would be revised to exempt the Containment Radioactivity-High from Specification 3.0.4 and to clarify that there is not a single manual actuation switch for all five purge and exhaust valves. Specification 3.5.8 would be revised in the action statement to allow for a 12 hour sample collection and a 24 hour analysis for inoperable Turbine Building and Yard Sump monitors. Specifications 3.5.9, 4.1.2 and 4.1.3 would be revised to provide clarification on the operational requirements of specific radiation monitors.

**Basis for proposed no significant hazards consideration determination:**  
As required by 10 CFR 50.91, the licensee has provided its analysis as to whether or not the proposed amendment involves no significant hazards considerations which is presented below:

Proposed Change No. 174 is determined not to constitute a significant hazards consideration based on the following review questions and responses.

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

**Response:** This proposed change does not involve a significant increase in the



probability or consequences of an accident previously evaluated. Overall the proposed change provides clarification and relief within the technical specifications for plant operations. This proposed change does the following:

a. The provisions of 3.0.4 are not applicable to the Action Statement for the Containment Radioactivity-High instrumentation being inoperable. The Action Statement requires the purge and exhaust valves to be isolated during operations which is the normal configuration for these valves during operations. The condition of the plant remains the same and the probability or consequences of accidents are not changed. Therefore, removing the 3.0.4 applicability does not change the accident probability or consequences but allows the plant to continue into an operational mode.

b. The grab sample collection and analysis period for the Turbine Building Sump and Yard Sump effluents is changed from 12 hours for both collection and analysis to 12 hours for collection and 24 hours for the subsequent analysis. This change provides relief from performing the analysis within an unreasonably stringent time frame and has no effect on the probability or consequences of an accident. There are no potential sources of highly radioactive effluents which enter these sumps. The collection and analysis of grab samples from this pathway are primarily for documentation purposes. In the event of an accident which may result in radioactive liquid entering these sumps other means of detection would have occurred prior to the liquid entering the sumps.

c. The radiation monitors which can be utilized for the Sampler Flow Rate Measuring Device within the plant vent stack monitoring system are specifically identified consistent with the other items on Table 3.5.9.1. This change provides a clarification and has no effect on the accident probability or consequences.

d. The particular flow element in use in the liquid radwaste effluent line will be channel checked daily. This prevents checking both the element in use and the element not in use which would provide inaccurate information. This change is an operational clarification and has no effect on accident probability or consequences.

e. The notation indicating a specific radiation monitor does not perform an isolation function and does not have a control room alarm is deleted. The monitor does maintain these functions. This demonstrates an improvement in

the monitor operation and has no effect on the accident probability or consequences.

f. Removing monitor R-1214 from the technical specifications has no effect on the probability or consequences of an accident. The function performed by R-1214 will still be provided by other monitors which are in the technical specifications.

Based on the above items discussed, it is clear that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident?

*Response:* The intent of this proposed change is to provide ease in the daily operations of the plant. The change does not create the possibility of a new or different kind of accident. The change provides:

a. Clarification by:

1. Listing those monitors which can be used for the Sampler Flow Rate Measuring Device,

2. Providing for a channel check of a single flow element which is in use,

3. Deleting a note which identifies the limitations of a radiation monitor, and

4. Removing a monitor which is difficult to maintain and calibrate.

These changes have no impact on the plant such that new or different accidents are created. The changes provide clarification to the technical specifications for a more accurate description and use of the plant equipment.

b. Relief by removing the 3.0.4 applicability on an Action Statement for a containment radiation monitor and increasing the time allowed to perform analyses of certain grab samples. Increasing the time to perform analysis of grab samples from the Turbine Building Sump or the Yard Sump has no effect on the plant configuration. Therefore, in both cases the plant has not been affected such that a new or different kind of accident has been created.

Based on the above, it is clear that operation of the facility in the accordance with the proposed change does not create the possibility of a new or different kind of accident.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

*Response:* The changes, as discussed, provide clarification within the technical specifications to improve the plant operation. The changes also provide relief in operations and radwaste

sampling areas. These changes facilitate and clarify plant operations. The allowance of a longer grab sample analysis period is reasonable in that the subject pathway exhibits insignificant activity levels which do not necessitate analysis results within a short time frame. Removing monitor R-1214 from the T.S. is reasonable since there are other T.S. monitors which perform the designated function. Therefore, operation of the facility in accordance with this proposed change does not involve a significant reduction in a margin of safety.

The NRC Staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the NRC staff proposes to determine that the proposed amendment involves no significant hazards consideration.

*Local Public Document Room location:* General Library, University of California, P.O. Box 19557, Irvine, California 92713.

*Attorney for licensee:* Charles R. Kocher, Assistant General Counsel, and James Beoletto, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770

*NRC Project Director:* George W. Knighton

**Southern California Edison Company, et al., Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California**

*Date of amendment request:* May 26, 1988

*Description of amendment request:* The proposed amendment would revise the Technical Specifications (TS) to assure reactor operation is consistent with core design analysis. Control Group I would be precluded from insertion during power operation. This would lengthen the fuel cycle and diminish neutron leakage. The inclusion of this proposed amendment in the TS represents a formal restriction of plant operations in a manner that was previously administratively controlled.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91, the licensee has provided its analysis as to whether or not the proposed amendment involves a significant hazards consideration and has concluded that the proposed changes do not constitute a significant hazards consideration, based on the following.

(1) Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?



*Response:* No, operation of the facility in accordance with this proposed change is allowed by the current technical specifications. The change will only modify the rod position assumptions for future core reloads of the current spectrum of analyzed accidents. The proposed change serves to create a restriction that assures operation with Control Group 1 fully withdrawn.

Accordingly, there are no changes to the probability or consequences of any previously analyzed accidents involving rod movement. The revision to the format and bases to allow action time to restore the control group to its insertion limit is consistent with STS requirements and does not involve a significant increase in any accident probability. Therefore, it is concluded that operation of the facility in accordance with this proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

*Response:* No, operation of the facility in accordance with the control group insertion limit described in this proposed change is allowed by the current specifications. The operation of the facility in accordance with this change is bounded by the existing accident analyses and future core reloads will be bounded by the same analyses. These analyses assume dropped rod worth consistent with the control group and shutdown group rod design and, since this design does not change, only the assumed position changes, there is not the creation of any new or different accidents. The remaining changes are administrative in nature and do not affect previously analyzed accidents or create any new accidents. Therefore, it is concluded that operation of the facility in accordance with this proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

*Response:* No, operation of the facility in accordance with this proposed change involves an additional operating restriction that will increase the current design margin of safety in the main steamline break and ejected rod analyses. The increase in safety margin will be seen in the calculated peaking factors for these two accident scenarios. It is planned that future core reloads

may take advantage of the additional margin to extend cycle life, but at no time would the design safety margin, as described in the basis of 3.5.2, be exceeded. The remaining changes are administrative in nature and do not impact any margin of safety. Therefore, it is concluded that operation of the facility in accordance with this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the request and the licensee's analysis and agrees that the criteria appear to be satisfied. The NRC staff, therefore, proposes to determine that the proposed amendment involves no significant hazards consideration.

*Local Public Document Room location:* General Library, University of California, Post Office Box 19557, Irvine, California 92713.

*Attorney for licensee:* Charles R. Kocher, Assistant General Counsel, and James Beoletto, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770

*NRC Project Director:* George W. Knighton

**Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin**

*Date of amendments request:* May 24, 1988

*Description of amendments request:* Technical Specification Table 15.4.1-1, "Minimum Frequencies for Checks, Calibrations, and Test of Instrumentation Channels," specifies the test frequency for instrument channels. The proposed amendments would change the test frequency from bi-weekly to monthly for: Item 1, "Nuclear Power Range" instrument channels; Item 4, "Reactor Coolant Temperature" instrument channels; and Item 18, "Reactor Containment Pressure" instrument channels.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards for determining whether a significant hazards consideration exists in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a

margin of safety. The licensee addressed these criteria as follows:

The proposed changes would reduce the frequency of testing the channel logics from biweekly to monthly. These changes will make the nuclear power range, reactor coolant temperature, and containment pressure channel logic test frequencies consistent with the other channels which use similar components. Additionally, these changes will allow Point Beach Nuclear Plant, Units 1 and 2, to conform to industry standards as well as the Standard Technical Specifications for Westinghouse Pressurized Water Reactors. These channels have been very reliable. Based on the most severe drift rate experienced during biweekly testing, the channels should remain within Technical Specification setpoint limits between monthly testing. We, therefore, believe that these changes will not involve a significant increase in the probability or consequences of an accident previously evaluated, and the first criterion is not violated. Because these changes only modify the frequency of testing for these three instrument channels and introduce no new testing, a new or different accident from any previously evaluated accident cannot be created and, therefore, the second criterion is not violated.

Lastly, these changes do not involve a significant reduction in a margin of safety for the same reasons discussed for criterion one. The amended test frequencies will be consistent with (1) other plant instrumentation using the same relays and bistables, (2) industry testing frequencies, and (3) the Standard Technical Specifications.

The staff has reviewed the licensee's evaluation of the proposed amendment, and agrees with the licensee's conclusion. Therefore, the staff proposes to determine that the requested amendments do not involve significant hazards considerations.

*Local Public Document Room location:* Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

*Attorney for licensees:* Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037

*NRC Project Director:* Kenneth E. Perkins.

#### PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances.



They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

**Commonwealth Edison Company,**  
Docket Nos. 50-454 and 50-455, Byron  
Station, Units 1 and 2, Ogle County,  
Illinois

*Date of amendment request:* June 22, 1988

*Brief description of amendments:* The amendments would revise an action statement concerning the ultimate heat sink to state that the provisions to specification 3.0.4 do not apply in accordance with the licensee's application dated June 22, 1988.

*Date of publication of individual notice in Federal Register:* July 8, 1988 (53 FR 25710)

*Expiration date of individual notice:* August 7, 1988

*Local Public Document Room location:* Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61101.

**Mississippi Power & Light Company,**  
System Energy Resources, Inc., South  
Mississippi Electric Power Association,  
Docket No. 50-416, Grand Gulf Nuclear  
Station, Unit 1, Claiborne County,  
Mississippi

*Date of amendment request:* May 2, 1988, as revised June 3, 1988

*Brief description of amendment request:* The amendment would change the Technical Specifications by replacing Figure 6.2.1-1, "Offsite Organization," and Figure 6.2.2-1, "Unit Organization," with requirements that capture the essential aspects of the organization structure that are defined by these figures.

*Date of publication of individual notice in Federal Register:* June 29, 1988 at 53 FR 24513

*Expiration date of individual notice:* July 29, 1988

*Local Public Document Room location:* Hinds Junior College, McLendon Library, Raymond, Mississippi 39154

#### NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and

requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

**Alabama Power Company, Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama.**

*Date of application for amendments:* April 28, 1988

*Description of amendments:* The amendments delete Figure 6.2.1 (Offsite Organization for Facility Management and Technical Support), Figure 6.2.2 (Facility Organization), and references thereto from the Technical Specifications. To replace the charts, general requirements were added that capture essential aspects of the organizational structure that were defined by the organization charts. Equivalent information to that contained in the organization charts will be

documented in the Updated Final Safety Analysis Report. This action conforms to the guidance of Generic Letter 88-06.

*Date of issuance:* July 8, 1988

*Effective date:* July 8, 1988

*Amendment Nos.:* 77, 69

*Facility Operating License Nos. NPF-2 and NPF-8.* Amendments revise the Technical Specifications.

*Date of initial notice in Federal Register:* June 6, 1988 (53 FR 20700) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 8, 1988.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303

**Arizona Public Service Company, et al., Docket No. STN 50-530, Palo Verde Nuclear Generating Station, Unit 3, Maricopa County, Arizona**

*Date of application for amendment:* April 7, 1988

*Brief description of amendment:* The amendment revises Figure 3.1-1 of the Technical Specifications to increase the negative Moderator Temperature Coefficient limit from -30 pcm/°F to -35 pcm/°F.

*Date of issuance:* July 11, 1988

*Effective date:* July 11, 1988

*Amendment No.:* 9

*Facility Operating License No. NPF-74:* Amendment changed the Technical Specifications.

*Date of initial notice in Federal Register:* May 4, 1988 (53 FR 15906). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 1, 1988.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Phoenix Public Library, Business and Science Division, 12 East McDowell Road, Phoenix, Arizona 85004

**Boston Edison Company Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts**

*Date of application for amendment:* December 23, 1985 as supplemented on February 22, 1988

*Brief Description of amendment:* This amendment adds equipment allowable out of service times for calibration and testing of the Reactor Protection System (RPS) and Primary Containment Isolation System (PCIS). Note 1 to Table 3.1.1 and Note 1 to Table 3.2.A have been revised to add time limits for keeping RPS and PCIS equipment out of service during testing and calibration.

*Date of issuance:* July 8, 1988



*Effective date:* July 8, 1988 and implemented within 30 days

*Amendment No.:* 119

*Facility Operating License No. DPR-35:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* February 12, 1986 (51 FR 5272) The supplemental information supplied by the licensee on February 22, 1988 did not affect the substance of the proposed amendment as noticed. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 8, 1988.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

**Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Units 1 and 2, Ogle County, Illinois**

*Date of application for amendments:* March 10, 1988, supplemented April 21, 1988

*Brief description of amendments:* These amendments revise the Technical Specifications to reduce the composition of the Onsite Nuclear Safety Group from four members to three members.

*Date of issuance:* July 1, 1988

*Effective date:* July 1, 1988

*Amendment Nos.:* 19, 19

*Facility Operating License Nos. NPF-37 and NPF-66:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* June 1, 1988 (53 FR 20041) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 1, 1988

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* The Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61101.

**Commonwealth Edison Company, Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois**

*Date of application for amendments:* December 22, 1987

*Brief description of amendments:* These amendments revised Technical Specifications 3.2.D.3—for the refueling floor radiation monitors trip setpoint, and 6.2.C.1—for authority to review and approve plant procedures.

*Date of issuance:* June 30, 1988

*Effective date:* June 30, 1988

*Amendment Nos.:* 110 and 106

*Facility Operating License Nos. DPR-29 and DPR-30:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* January 13, 1988 (53 FR 822). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 30, 1988.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

**Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut**

*Date of application for amendment:* February 19, 1988

*Brief description of amendment:* This amendment revises Technical Specification Table 3.11-1, "Containment Isolation Valves," by adding five new containment isolation valves (CIVs) and deleting two CIVs. These changes were a result of plant modifications made during the 1987 refueling outage. Also, the page number was revised for Table 3.11-2.

*Date of Issuance:* July 1, 1988

*Effective date:* July 1, 1988

*Amendment No.:* 105

*Facility Operating License No. DPR-61:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* May 18, 1988 (53 FR 17783) The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated July 1, 1988

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

**Consolidated Edison Company of New York, Docket Nos. 50-003 and 50-247, Indian Point Nuclear Generating Unit Nos. 1 and 2, Westchester County, New York**

*Date of application for amendment:* December 8, 1986 and March 3, 1988

*Brief description of amendment:* The amendments modified paragraph 3.D of Facility Operating License No. DPR-5 and paragraph 2.H of Facility Operating License No. DPR-26 to require compliance with the amended Physical Security Plan. This Plan was amended to conform to the requirements of 10 CFR 73.55. Consistent with the provisions of 10 CFR 73.55, search requirements must be implemented within 60 days and miscellaneous amendments within 180 days from the effective date of these amendments.

*Date of issuance:* July 6, 1988

*Effective date:* July 6, 1988

*Amendment Nos.:* 39 and 133

*Facility Operating License Nos. DPR-5 and DPR-26:* Amendment revised the licenses.

*Date of initial notice in Federal Register:* May 18, 1988 (53 FR 17784).<sup>1</sup>

The Commission's related evaluation of the amendment is contained in a letter to Consolidated Edison dated July 6, 1988 and a Safeguards Evaluation Report dated July 6, 1988.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

**Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina**

*Date of application for amendments:* January 11, 1988

*Brief description of amendments:* The amendments changed Technical Specifications Sections 3.0 and 4.0 to conform to Generic Letter 87-09.

*Date of issuance:* July 12, 1988

*Effective date:* July 12, 1988

*Amendment Nos.:* 48 and 41

*Facility Operating License Nos. NPF-35 and NPF-52:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* April 20, 1988 (53 FR 13013) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 12, 1988.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

**Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina**

*Date of application for amendments:* February 17, 1987, as revised June 3, 1988

*Brief description of amendments:* The amendments changed the Technical

<sup>1</sup> The Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing that appeared in 53 FR 17784 contained an error in the License paragraphs to be revised for Facility Operating Licenses DPR-5 and DPR-26. The notice neglected to state that paragraphs 3.E and 3.F of DPR-5, as well as paragraphs 2.H and 2.I of License DPR-26, would be superseded by the revised license condition. The NRC has not found it necessary to revoke its Consideration of Issuance as the error correctly states the proposed change.



Specifications by updating the index and making other purely administrative changes.

*Date of issuance:* July 5, 1988

*Effective date:* July 5, 1988

*Amendment Nos.:* 88 and 69

*Facility Operating License Nos. NPF-9 and NPF-17:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* March 25, 1987 (52 FR 9566) The supplemental letter did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 5, 1988.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

**Florida Power and Light Company, et al.,**  
Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

*Date of application for amendments:* December 2, 1986, as supplemented November 5, 1987 and April 11, 1988

*Brief description of amendments:* The amendments modified paragraph 2.D of the licenses to require compliance with the amended Physical Security Plan. This Plan was amended to conform to the requirements of 10 CFR 73.55. Consistent with the provisions of 10 CFR 73.55, search requirements must be implemented within 60 days and miscellaneous amendments within 180 days from the effective date of these amendments.

*Date of Issuance:* July 5, 1988

*Effective Date:* July 5, 1988

*Amendment Nos.:* 97 and 32

*Facility Operating License Nos. DPR-67 and NPF-16:* Amendments revised the Licenses.

*Date of initial notice in Federal Register:* June 1, 1988 (53 FR 20042) The Commission's related evaluation of the amendments is contained in a letter to Florida Power and Light Company dated July 5, 1988 and a Safeguards Evaluation Report dated July 5, 1988.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

**Florida Power and Light Company,**  
Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

*Date of application for amendments:* December 2, 1986, as supplemented November 12, 1987 and April 13, 1988

*Brief description of amendments:* The amendments deleted paragraphs 3.F, 3.H and 3.J from the Turkey Point Unit 3 license, as well as paragraphs 3.E, 3.G and 3.I from the Turkey Point Unit 4 license, and added paragraph 3.L to both licenses to require compliance with the amended Physical Security Plan. This Plan was amended to conform to the requirements of 10 CFR 73.55. Consistent with the provisions of 10 CFR 73.55, search requirements must be implemented within 60 days and miscellaneous amendments within 180 days from the effective date of these amendments.

*Date of issuance:* July 5, 1988

*Effective date:* July 5, 1988

*Amendment Nos.:* 131 and 125

*Facility Operating Licenses Nos. DPR-31 and DPR-41:* Amendments revised the Licenses.

*Date of initial notice in Federal Register:* June 1, 1988 (53 FR 20042) The Commission's related evaluation of the amendments is contained in a letter to Florida Power and Light Company dated July 5, 1988 and a Safeguards Evaluation Report dated July 5, 1988. No significant hazards consideration comments received: No

*Local Public Document Room location:* Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

**Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia,**  
Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

*Date of application for amendments:* May 6, 1988, as supplemented June 7, 1988

*Brief description of amendments:* The amendments modified the Technical Specifications by replacing the organization charts with more general organization requirements.

*Date of issuance:* July 12, 1988

*Effective date:* July 12, 1988

*Amendment Nos.:* 155 and 94

*Facility Operating License Nos. DPR-57 and NPF-5:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* June 3, 1988 (53 FR 20397). The supplemental information submitted by the licensee on June 7, 1988 was editorial in nature and did not affect the

substance of the initial notice or the staff's proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 12, 1988.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

**Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia,**  
Docket No. 50-424, Vogtle Electric Generating Plant, Unit 1, Burke County, Georgia

*Date of application for amendment:* May 6, 1988, supplemented June 1, 1988

*Brief description of amendment:* The amendment modified the Technical Specifications by replacing the organization charts with more general organization requirements.

*Date of issuance:* July 11, 1988

*Effective date:* July 11, 1988

*Amendment No.:* 6

*Facility Operating License No. NPF-68:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* June 3, 1988 (53 FR 20398) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 11, 1988.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830

**Iowa Electric Light and Power Company,**  
Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

*Date of application for amendment:* February 26, 1987, as supplemented June 1, July 10, and November 13, 1987

*Brief description of amendment:* The amendment revised the Technical Specifications to reflect modifications made to comply with 10 CFR 50.62, the ATWS rule. These modifications consisted of the addition of an Alternate Rod Injection System, improvements to the Recirculation Pump Trip logic circuitry, and changes to the Standby Liquid Control System pump control circuitry.

*Date of issuance:* July 7, 1988

*Effective date:* July 7, 1988

*Amendment No.:* 151

*Facility Operating License No. DPR-49:* Amendment revised the Technical Specifications.



**Date of initial notice in Federal Register:** October 21, 1987 (52 FR 39300)  
The licensee's November 13, 1987 submittal provided additional information which did not affect the description of the amendment requested on the staff's no significant hazards consideration analysis contained in the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 7, 1988.

**No significant hazards consideration comments received:** No.

**Local Public Document Room location:** Cedar Rapids Public Library, 500 First Street, S. E., Cedar Rapids, Iowa 52401.

**Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa**

**Date of application for amendment:** December 2, 1986 and December 17, 1987

**Brief description of amendment:** The amendment modified paragraph 2.C(5) of the license to require compliance with the amended Physical Security Plan. This Plan was amended to conform to the requirements of 10 CFR 73.55. Consistent with the provisions of 10 CFR 73.55, search requirements must be implemented within 60 days and miscellaneous amendments within 180 days from the effective date of this amendment.

**Date of issuance:** July 15, 1988

**Effective date:** July 15, 1988

**Amendment No.:** 152

**Facility Operating License No. DPR-49.** Amendment revised the license.

**Date of initial notice in Federal Register:** May 4, 1988 (53 FR 15913) The Commission's related evaluation of the amendment is contained in a letter to the Iowa Electric Light and Power Company dated July 15, 1988 and a Safeguards Evaluation Report dated July 15, 1988.

**No significant hazards consideration comments received:** No.

**Local Public Document Room location:** Cedar Rapids Public Library, 500 First Street, S. E., Cedar Rapids, Iowa 52401.

**Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska**

**Date of amendment request:** April 29, 1988

**Brief description of amendment:** The amendment changed the Technical Specifications for the Standby Liquid Control System to reflect 10 CFR 50.62 Anticipated Transient Without Scram (ATWS) modifications.

**Date of issuance:** July 5, 1988

**Effective date:** July 5, 1988

**Amendment No.:** 123

**Facility Operating License No. DPR-46.** Amendment revised the Technical Specifications.

**Date of initial notice in Federal Register:** June 1, 1988 (53 FR 20043) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 5, 1988

**No significant hazards consideration comments received:** No.

**Local Public Document Room location:** Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

**Niagara Mohawk Power Corporation, Docket Nos. 50-220 and 50-410, Nine Mile Point Nuclear Station, Unit Nos. 1 and 2, Scriba, New York**

**Date of application for amendment:** December 2, 1986, November 25, 1987 and December 29, 1987.

**Brief description of amendments:** The amendments modified paragraphs 2.D(4) and 2.D(5) of Facility Operating License No. DPR-63 and paragraph 2.D(5) of Facility Operating License No. NPF-69 to require compliance with the amended Physical Security Plan. This Plan was amended to conform to the requirements of 10 CFR 73.55. Consistent with the provisions of 10 CFR 73.55, search requirements must be implemented within 60 days and miscellaneous amendments within 180 days from the effective date of these amendments.

**Date of issuance:** July 5, 1988

**Effective date:** July 5, 1988

**Amendment Nos.:** 100 and 6

**Facility Operating License Nos. DPR-63 and NPF-69:** Amendments revised the licenses.

**Date of initial notice in Federal Register:** April 20, 1988 (53 FR 13017)<sup>1</sup>

The Commission's related evaluation of the amendments is contained in a letter to Niagara Mohawk Power Corporation dated July 5, 1988 and a Safeguards Evaluation Report dated July 5, 1988.

**No significant hazards consideration comments received:** No

**Local Public Document Room location:** Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

<sup>1</sup> The Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing that appeared in 53 FR 13017 contained an error in the License paragraphs to be revised for Facility Operating License DPR-63. The notice neglected to state that paragraph 2.D(5), as well as 2.D(4) would be superceded by the revised license condition. The NRC has not found it necessary to revoke its Consideration of Issuance as the error correctly states the proposed change.

**Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut**

**Date of application for amendment:** April 25, 1988

**Brief description of amendment:** The amendment revises Technical Specifications (TS) 3.4.4, "Pressurizer," for Millstone 2 requiring that the 130KW of operable pressurizer heaters be, "...capable of being supplied by emergency power."

**Date of issuance:** July 7, 1988

**Effective date:** July 7, 1988

**Amendment No.:** 130

**Facility Operating License No. DPR-65.** Amendment revised the Technical Specifications.

**Date of initial notice in Federal Register:** May 18, 1988 (53 FR 17790) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 7, 1988.

**No significant hazards consideration comments received:** No.

**Local Public Document Room location:** Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

**Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon**

**Date of application for amendment:** March 18, 1988

**Brief description of amendment:** The amendment revises Technical Specification Section 6.3.1, "Facility Staff Qualifications" by retitling the position of Radiation Protection Supervisor to Radiation Protection Branch Manager.

**Date of issuance:** July 7, 1988

**Effective date:** July 7, 1988

**Amendment No.:** 146

**Facilities Operating License No. NPF-1:** Amendment revised the Technical Specifications.

**Date of initial notice in Federal Register:** June 1, 1988 (53 FR 20044) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 7, 1988.

**No significant hazards consideration comments received:** No.

**Local Public Document Room location:** Portland State University Library, 731 S. W. Harrison St., Portland Oregon 97207

**NRC Project Director:** George W. Knighton

**Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon**

**Date of application for amendment:** July 29, 1985



*Brief description of amendment:* The amendment revises the surveillance requirements for Trojan Technical Specification Section 3/4.6.1.1, "Containment Integrity."

*Date of issuance:* July 11, 1988

*Effective date:* July 11, 1988

*Amendment No.:* 147

*Facilities Operating License No. NPF-1:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* April 9, 1988 (51 FR 12236). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 11, 1988.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Portland State University Library, 731 S. W. Harrison St., Portland Oregon 97207

*NRC Project Director:* George W. Knighton

*Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama*

*Date of application for amendments:* February 24, 1988 (TS 238)

*Brief description of amendments:* The amendments modify Technical Specification Surveillance Requirements 4.7.E.1, 4.7.E.3, 4.7.F.1, 4.9.A.2.c, and 4.11.A.5 by replacing the words "not to exceed" with the words "at least once every."

*Date of issuance:* July 5, 1988

*Effective date:* July 5, 1988, and shall be implemented within 60 days.

*Amendments Nos.:* 150, 146, 121

*Facility Operating Licenses Nos. DPR-33, DPR-52 and DPR-68:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* April 20, 1988 (53 FR 13018) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 5, 1988.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Athens Public Library, South Street, Athens, Alabama 35611.

*Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee*

*Date of application for amendments:* April 17, 1987 and March 1, 1988 (TS 87-12 and 87-44).

*Brief description of amendments:* The amendments revise paragraphs of Section 6, Administrative Controls, of the Sequoyah Units 1 and 2 Technical Specifications (TS). The revisions are

primarily 1) to reflect site organizational and title changes and (2) to revise the list of primary coolant sources outside containment in the section. The request to amend Section 6.2.2 and TS Figures 6.2-1 and 6.2-2 in TS 87-44 application dated March 1, 1988 were withdrawn in the licensee's letter dated June 13, 1988. The revision to the list of primary coolant sources outside containment applies only to the Unit 1 TS.

*Date of issuance:* June 30, 1988

*Effective date:* June 30, 1988

*Amendment Nos.:* 74, 66

*Facility Operating Licenses Nos. DPR-77 and DPR-79.* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* September 9, 1987 (52 FR 34019) and April 20, 1988 (53 FR 13024), respectively. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 30, 1988.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

*Tennessee Valley Authority, Docket No. 50-327 Sequoyah Nuclear Plant, Unit 1, Hamilton County, Tennessee*

*Date of application for amendments:* May 15, 1987

*Brief description of amendments:* The amendment to the Sequoyah Nuclear Plant (SQN) Unit 1 Operating License deletes the requirements of Section 2.C.(10), "Water Chemistry Control Program," of the SQN Unit 1 Facility Operating License.

*Date of issuance:* July 6, 1988

*Effective date:* July 6, 1988

*Amendment No.:* 75

*Facility Operating Licenses No. DPR-77:* Amendment revised the Operating License.

*Date of initial notice in Federal Register:* September 23, 1987 (52 FR 35808) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 6, 1988.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

*Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee*

*Date of application for amendments:* February 3, 1987 (TS 79)

*Brief description of amendments:* The amendments modify Technical Specification Table 3.3-9, Remote Shutdown Monitoring Instrumentation, to reflect changes in the measurement range of the pressurizer level, the measurement range of the auxiliary feedwater flow rate, and the required number of minimum channels operable for the reactor coolant temperature-hot leg and the auxiliary feedwater flow rate.

*Date of issuance:* July 12, 1988

*Effective date:* July 12, 1988

*Amendment Nos.:* 76, 67

*Facility Operating Licenses Nos. DPR-77 and DPR-79.* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* March 12, 1987 (52 FR 7697) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 12, 1988

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

#### NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing. For exigent circumstances, the Commission has either issued a Federal Register notice providing opportunity for public comment or has used local media to provide notice to the public in the



area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to

Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By August 26, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in

the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this *Federal Register* notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the



Commission, the presiding officer or the Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

**The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Docket No. 50-440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio**

*Date of application for amendment:* July 12, 1988

*Brief description of amendment:* The amendment increased the limit for drywell average air temperature in Technical Specification 3.6.2.6 from 135° F to 145° F and revised the related Bases.

*Date of issuance:* July 14, 1988

*Effective date:* July 14, 1988

*Amendment No. 14*

*Facility Operating License No. NPF-58.* Amendment revised the Technical Specifications.

*Public comments requested as to proposed no significant hazards consideration:* No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, consultation with the State of Ohio, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated July 14, 1988.

*Attorney for licensee:* Jay Silberg, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*Local Public Document Room location:* Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

*NRC Project Director:* Kenneth E. Perkins.

**Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama**

*Date of application for amendments:* June 17, 1988 as supplemented June 23, and June 24, 1988 (TS 246)

*Brief description of amendments:* The amendments delete the organization charts from the administrative controls section of the technical specifications in accordance with Generic Letter 88-06. In addition, the title of the Manager of Nuclear Power is being changed to Senior Vice President, Nuclear Power.

*Date of issuance:* June 30, 1988

*Effective date:* June 30, 1988

*Amendments Nos.:* 149, 145, 120

*Facility Operating Licenses Nos. DPR-33, DPR-52 and DPR-68:*

Amendments revised the Technical Specifications.

*Public comments requested regarding proposed no significant hazards consideration:* Yes. A Legal Notice requesting public comments by June 30, 1988 was published in the Decatur Daily and the Huntsville Times on June 24, 1988.

*Comments received:* No The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 30, 1988. The licensee's supplementary letters dated June 23 and June 24, 1988 clarified the licensee's application dated June 17, 1988 and did not affect the substance of the proposed amendments as noticed in the newspapers listed above or the proposed no significant hazards consideration determination.

*Local Public Document Room location:* Athens Public Library, South Street, Athens, Alabama 35611.

*Attorney for licensee:* General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

*NRC Assistant Director:* Suzanne Black

**Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee**

*Date of application for amendments:* June 13, 1988 as supplemented by letters dated June 22 and 24, 1988 (TS 88-12)

*Brief description of amendments:* This amendment revises paragraphs and figures in Section 6, Administrative Controls, of the Sequoyah Units 1 and 2 Technical Specifications (TS). The revisions are (1) to delete Figures 6.2-1 and 6.2-2, the organization charts in the TS, and references to these figures in accordance with Generic Letter 88-06, (2) to change the title of Manager of Nuclear Power to Senior Vice President, Nuclear Power and (3) to add references to the "unit" organization in Section 6.2.2.

*Date of issuance:* June 30, 1988

*Effective date:* June 30, 1988

*Amendment Nos.:* 74, 66

*Facility Operating Licenses Nos. DPR-77 and DPR-79.* Amendments revised the Technical Specifications.

*Public Comments Requested Regarding Proposed No Significant Hazards Consideration:* Yes. On June 29, 1988, Mr. G. Richard Howard of Chattanooga, Tennessee requested a clarification on the proposed amendments as to where the licensee's organization charts would appear if they are deleted from Section 6 of the TS. Specification 6.2.1.a requires that the organization charts will be in the

Sequoyah Units 1 and 2 Final Safety Analysis Report. This is discussed further in the staff's Safety Evaluation on these amendments. A legal notice requesting public comments by June 30, 1988 was published in the Chattanooga News-Free Press and the Chattanooga Times on June 24, 1988. The State of Tennessee was consulted on June 30, 1988 and had no comments. The Commission's related evaluation of the amendment and final no significant hazards consideration are contained in a Safety Evaluation dated: June 30, 1988. The licensee's supplementary letters dated June 22 and June 24, 1988 clarified the licensee's application dated June 13, 1988 and did not affect the substance of the proposed amendments as noticed in the Chattanooga newspapers listed above or the proposed no significant hazards consideration determination.

*Attorney for Licensee:* General Counsel, Tennessee Valley Authority, 400 Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902

*Local Public Document Room location:* Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Dated at Rockville, Maryland, this 20th day of July, 1988.

For the Nuclear Regulatory Commission

**Lester S. Rubenstein,**

*Acting Director, Division of Reactor Projects - III, IV, V and Special Projects Office of Nuclear Reactor Regulation*

[Doc. 88-16766 Filed 7-26-88; 8:45 am]

**BILLING CODE 7590-01-D**

## **PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL**

### **Columbia River Basin Fish and Wildlife Program; Proposed Amendments**

**AGENCY:** Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

**ACTION:** Notice of proposed amendments to the Columbia River Basin Fish and Wildlife Program, hearings and opportunity to comment (Umatilla Flow Enhancement).

**SUMMARY:** On November 15, 1982, pursuant to the Pacific Electric Power Planning and Conservation Act (the Northwest Power Act, 16 U.S.C. 839, *et seq.*) the Pacific Northwest Electric Power and Conservation Planning Council (Council) adopted a Columbia River Basin Fish and Wildlife Program (program). The program has been



amended from time to time since then. Major revisions of the program were adopted in 1984 and 1987. In June 1988, the Council held consultations with interested parties concerning a Columbia Basin Fish and Wildlife Authority proposal for the Bonneville Power Administration (Bonneville) to fund the power cost of operating non-federal pumps for a five-year period, to augment flows in the Umatilla River in Oregon. The authority also proposes that Bonneville pay \$23,000 for capital improvements to those non-federal pumps. On July 14, 1988, the Council voted to initiate rulemaking pursuant to section 4(d)(1) of the Northwest Power Act to consider this measure. This notice contains a brief description of the background of the issues, explains how to obtain a full copy of possible amendments, and how to participate in the amendment process.

**Public Comment:** The Council will establish a schedule for public comment on this proposed rule later this summer. Notice will be given in accordance with applicable law and the Council's usual notice procedures. All written comments must be received in the Council's central office, 851 SW. Sixth Avenue, Suite 1100, Portland, Oregon, 97204 by the date to be established by the Council for the close of written comment. Comments should be submitted to Dulcy Mahar, Director of Public Involvement, at this address, and should be clearly marked "Umatilla flow Enhancement Comments."

After the close of written comment, the Council may hold consultations with interested parties to clarify points made in written comment. Consultations may be held up to the time of the Council's final action in this rulemaking.

Hearings: Public hearings will be held later this summer, in Idaho, Montana, Oregon, and Washington, on a schedule that will be announced through the Council's usual notice procedures. If you wish to obtain a schedule of the hearings, or more information about this process, contact the Council's Public Involvement Division, 851 S.W. Sixth Avenue, Suite 1100, Portland, Oregon 97204 or (503) 222-5161, toll free 1-800-222-3355 in Idaho, Montana, and Washington or 1-800-452-2324 in Oregon. To reserve a time period for presenting oral comments at a hearing, contact Ruth Curtis in the Public Involvement Division. Requests to reserve a time period for oral comments must be received no later than two work days before the hearing.

**Final Action:** The Council expects to take final action on the proposed amendments at its November 1988 meeting. The actual date on which the

Council will make its final decision will be announced in accordance with applicable law and the Council's practice of providing notice of its meeting agendas.

#### **SUPPLEMENTARY INFORMATION:**

Anadromous fish runs in the Umatilla Basin have declined sharply due primarily to large irrigation withdrawals from the Umatilla, and in part to mortalities at dams on the mainstem of the Columbia River. A group of local irrigators, Oregon fish and wildlife and water agencies, tribal representatives, and the Bureau of Reclamation have developed a plan for cooperative solutions to these problems.

At the request of these cooperating parties, the Council has incorporated a provision in its fish and wildlife program that calls on the Bonneville Power Administration to fund anadromous fish passage measures, habitat improvements, and hatcheries. To augment low flows in the Umatilla River, in 1985 and 1986 the Bureau of Reclamation provided funding to operate non-federal irrigation pumps to transfer water from the Columbia River to Umatilla Basin irrigators; in turn, the irrigators reduced their diversions from the Umatilla River so that more water would be available for anadromous fish. For the longer term, congressional funding was sought to install Bureau of Reclamation pumps.

In 1986, the Umatilla group sought the Council's approval for Bonneville to supply power or pay the cost of power for federally-funded Bureau of Reclamation pumps, and in 1987 the Council amended the Fish and Wildlife Program (section 703(a)(17)) accordingly.

Pending congressional approval of funds for the Bureau pumps, the Bureau of Reclamation (in 1985 and 1986) and Bonneville (in 1987 and spring 1988) provided funding for interim pumping by non-federal pumps.

Congress has not yet authorized funding for the Bureau pumps. The Columbia Basin Fish and Wildlife Authority has asked Bonneville to fund the power cost of operating non-federal pumps for a five-year period, and to pay for \$23,000 in capital improvements to those pumps. There is disagreement over the advisability of Bonneville funding of this interim pumping proposal. In this amendment proceeding, the Council will consider the pumping proposal, and alternatives to it.

**For a Full Copy of Possible Amendments, or Further Information:** Contact Judy Allender at 851 S.W. Sixth Avenue, Suite 1100, Portland, Oregon, 97204, or at (503) 222-5161, toll free 1-800-222-3355 in Idaho, Montana, and

Washington or 1-800-452-2324 in Oregon.

Edward Sheets,

Executive Director.

[FR Doc. 88-16867 Filed 7-26-88; 8:45 am]

BILLING CODE 0000-00-M

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-25926; File No. SR-NYSE-88-18]

### **Self-Regulatory Organization; Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange, Inc. Relating to Establishing Fees for Hardware Installation and Maintenance for Its Super Dot PC Products**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 23, 1988, the New York Stock Exchange, Inc. ("NYSE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

#### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange has established fees for hardware installation and maintenance for its Super DOT PC Products that will become effective immediately on filing with the Commission.

#### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B, and C below.

##### **A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

The Exchange has a service known as Super DOT PC Products which consists of four subsystems. These are: (i) "PC DOT Single Terminal"; (ii) "PC DOT



Fallback/PC Multi-Terminal"; (iii) "List Processing"; and (iv) "Electronic Mail". In addition, the Exchange provides a service known as Booth Support System.

Briefly, "PC DOT Single Terminal" permits a member to connect into Super DOT with its own PC terminal to send orders to, and receive execution reports from, the Trading Floor of the Exchange. When not used for this purpose, it can be used for other, internal uses. "PC DOT Fallback/PC Multi-Terminal" permits a member to connect up to eight terminals per PC Super DOT to send orders to, and receive execution reports from, the Trading Floor of the Exchange or use it as a back-up system in the event that their own, dedicated system should fail. "List Processing" enables firms to pre-load and maintain up to 200 lists of stocks of up to 500 market orders per list and direct them to the Trading Floor through Super DOT. "Electronic Mail" enables a firm to send service requests to the Exchange's Dot Service Desk via their PC rather than by telephone. The Super DOT order processing system can also be used to route orders to a member firm's booth to be handled by the firm's floor broker to report orders back to the firm.

The Exchange developed these subsystems and offered them to its membership as a "software" package only, charging what it deemed to be appropriate rates. These software charges are still in force. (See SR-NYSE-87-35). The Exchange's intent was, and still is, to provide the means whereby its members can connect to Super DOT using PC terminals which they already own or can purchase from independent vendors of such equipment.

Since that time, a number of the Exchange's member firm customers have asked the Exchange if it could expand its service by providing the necessary hardware, arranging for its installation, and then provide on-going maintenance of the hardware. Often, firms find that they must purchase the PC terminal from one vendor, its ancillary equipment from another, and arrange for the installation of private transmission lines from a third. Then, after the initial guarantee or warranty expires on the equipment, the firms must locate someone to maintain it for them. These problems can often lead to considerable start-up delays, and prolonged down-time when failures occur.

The Exchange proposes to offer the hardware and ancillary equipment necessary to permit firms to connect to the Super DOT system and utilize the Exchange's PC Products software. Of course, any member firm customer will still be able to purchase the software

package to use with its own system without also purchasing a hardware system. Full-time maintenance will be available on an hourly charge basis. As part of the installation, the exchange will provide testing and training support.

The exchange intends to provide the equipment necessary for a member firm to subscribe to the Booth Support System.<sup>1</sup> The software which supports this system is not available as a separate package. The hardware package will be available as two options. The first, called Plan A, contains a one-time charge for equipment in the first year, with recurring annual software and hardware maintenance fees. The second option, called Plan B, spreads equipment charges over a three-year period with recurring annual software and hardware maintenance charges.

Finally, the Exchange has proposed charges for the "Electronic Mail" system. The charges are for hardware installation and hardware maintenance only—there is no software charge to customers who have already purchased the "PC DOT Single Terminal," the "PC DOT Fallback/PC Multiple-Terminal" or the "List Processing" system.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition.

#### *C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has not solicited comments on the proposed rule change and no unsolicited comments have been received.

#### *III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action*

The Commission finds that the proposal establishing Super DOT PC Products hardware, hardware installations and maintenance fees is reasonable and consistent with section 6(b)(4) of the Act in that the new optional service should facilitate participation in NYSE's Super DOT PC subsystems as members subscribing to the service will be able to purchase both the software and hardware packages from the NYSE, rather than one or more independent vendors, and avoid the problems typically associated with

<sup>1</sup> The Booth Support system provides an alternative point of delivery for orders routed to the Exchange trading floor.

acquiring hardware services from multiple providers.

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Act and subparagraph (e) of Rule 19b-4 thereunder. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

#### *IV. Solicitation of Comments*

Interested persons are invited to submit written data, views and arguments concerning the foregoing. The persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Copies of the submission, all subsequent amendments, all statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549.

Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to the file number in the caption above and should be submitted by August 17, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Date: July 20, 1988.

Jonathan Katz,

Secretary.

[FR Doc. 88-16906 Filed 7-26-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25927; File No. SR-PSE-88-11]

#### **Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Stock Exchange, Inc., Relating to Changes in PSE Rates and Charges**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 21, 1988, the Pacific Stock Exchange Incorporated ("PSE" or



"Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange, pursuant to Rule 19b-4 of the Act, is submitting this rule filing for the purpose of changing the existing fee structure of the PSE.

Three member committees, chaired by PSE Governors, were established for the purpose of examining the cost and revenue structure of PSE operations in Options, Equities, and Data Processing. The proposed changes to the existing fee structure were recommended by these committees. Changes are designed to cover costs of PSE operations and to provide for technological needs of the future, including the modernization of the San Francisco equity trading floor. In general, changes in the fee structure are intended to better reflect the costs to the PSE of providing services to its members, and are designed to improve its competitiveness with other exchanges.

The proposed changes will be imposed on PSE members only, and will not impact the public.<sup>1</sup>

#### **Options Operations**

- Market Makers will be charged a \$600 per month fee.
- Floor booth monthly fees will be increased from \$150 to \$250 for retail houses; \$300 for clearing firms; and \$400 for stock execution firms. In addition, a premium of \$250 will be charged for aisle booths.
- Badge Fees will be increased from \$10 to \$25 for initial issuance. Maintenance monthly fees will be increased from \$15 to \$25 for booth clerks, and a charge of \$50 per month will be imposed on stock firm clerks, hard badge managers and all others.
- Trade Comparison Charges will increase from \$.25 to \$.30 per trade. There will be a Data Entry Fee of \$.02 per contract. Daily and monthly trade reports will be charged at \$50 per month, plus \$.005 per contract to a maximum of \$500.

<sup>1</sup> The Exchange stated in its filing that the proposed fees will eliminate a previously approved interim monthly fee on members that the Exchange had adopted in order to meet its operational, technology, and facilities needs (File No. SR-PSE-88-6). See Securities Exchange Act Release No. 25617, April 26, 1988, 53 FR 15761.

- Floor brokers will be charged \$.02 per contract side.
- There will be a stock execution charge of \$.001 (1/10 cent) per share. Block trades of 50,000 or more shares will be capped at \$50. PSE trades are exempt.
- The following charges are also implemented: Market Maker Give-Up Charge of \$.075 per contract; Use Extracts at \$.005 per trade plus development and production costs; a Market Maker Ticket charge to clearing firms based on contract volume.
- The fee for General Access Phones will be \$100 per month per firm.
- Charges for PSE Constitution & Rules (in paperback) will be \$10 for members and \$20 for non-members.

#### **Equities Operations**

- Membership Fees—The flat monthly fee of \$250 is currently charged to specialists only. This fee will be replaced by a Floor Privilege Fee of \$165 per month charged to registered floor members and registered clerks.
- Signature Guarantee Program—It is proposed that the annual maintenance fee be increased from \$50 to \$250; that the charge for the first addition or deletion be increased from \$50 to \$100; and that the charges for each subsequent change be increased from \$25 to \$50.
- Facsimile—A charge of \$1,000 per facsimile stamp is proposed.
- There will also be a \$500 monthly charge to specialists for Technology and equities development projects.

#### **Miscellaneous Member Services**

Member services fees would be increased as follows: Application Fee would increase from \$250 to \$350, Lease Fees would increase from \$300 to \$350, Joint Account Application Fee would increase from \$250 to \$350, Intra-firm and Inter-firm Transfer Fee would each be increased from \$200 to \$250, and a charge of \$200 is proposed for the seller of a seat. Fees for the Study Package/Test Fee would be increased from \$30 to \$100, \$50 of which would go towards the initial membership fee.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C)

below, of the most significant aspects of such statements.

#### **(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Changes**

In March, 1988, PSE established three committees to examine the cost and revenue structure of PSE operations.

#### **Options Operations**

The Options Committee was composed of three Options Governors, two Options members, and the Chief Financial Officer of the PSE. This Committee had extensive input from the floor members. The changes in fee structure proposed by this Committee are designed to provide revenues that would cover the fixed costs of operating the Options trading floor. The proposed changes in the fee schedule are:

**Booth Fees**—Currently, PSE charges \$150 per month per booth. The proposal calls for monthly fees of \$250 for retail houses, \$300 for clearing firms, and \$400 for stock execution firms. In addition to this base charge, a premium of \$250 would be charged for prime location aisle booths.

**Badge Fees**—The current issuance fee is \$10 per badge. The current monthly maintenance charge is \$15 per badge for all member firm employees. The proposed badge fees are: issuance fee—\$25; monthly maintenance charge for booth clerk—\$25; stock firm employees, hard badge managers, and all others—\$50.

**General Access Phones**—General access phones on the trading floor allow for expeditious reporting of execution and the initiation of stock orders, through a speed-dialing system. The proposed charge is \$100 per month for access to the system.

**Market Maker Ticket Charge**—The proposed charge is a pass-through of market maker ticket costs to the clearing firms. PSE would pro-rate its costs based on volume.<sup>2</sup> The proposed ticket charge will allow PSE to recover actual ticket costs and discourage waste.

**Trade Comparison Charge**—A study of the Options trade comparison function concluded that the current pricing structure does not cover the cost of operations, nor the value of the on-line comparison services. The proposal

<sup>2</sup> As an illustration of how this charge would be applied, for June 1988 the PSE was charged approximately \$5500 for approximately 50,000 tickets used. This cost would be prorated among the 251 Options market makers based on the percent contribution of each market maker to the PSE's total monthly Options volume.



calls for an increase from \$.25 to \$.30 per trade.

**Data Entry Fee**—PSE is unique in that it provides an on-line data entry service as an integral part of its trade comparison system. The proposed data entry fee of \$.02 per contract is comparable to what members at other exchanges pay to third party service organizations.

**Floor Broker Fee**—The PSE proposes to implement a \$.02 per contract side charge on all floor broker executions, where the executing broker is not an employee or a member of the firm originating the order. Floor brokers are non-retail operations who execute transactions on behalf of others.

**Market Maker Give-up Charge**—A charge of \$.075 per contract on market maker business that is not effected by the market maker in person is proposed.

**Monthly Report Charge**—PSE routinely produces intra-day, daily and monthly trade reports for member firms and individuals. Currently, only independent brokers are charged for reports (\$100/month). It is proposed that all recipients of these reports be charged \$50 per month, plus \$.005 per contract to a maximum of \$500.

**Charge for User Extracts**—Over the past few years, PSE has developed customized extracts for clearing member firms. Recipients of this service are given tapes or diskettes containing the day's trading information in a format which is compatible with their computers. PSE proposed to bill clearing member organizations for the data processing costs associated with the development of specialized extracts. In addition, the proposal calls for a monthly charge of \$.005 per trade as it appears on the extract.

**Stock Execution Fee**—A charge on stock executions of \$.001 (1/10 cent) per share is proposed. The charge for block trades of 50,000 or more shares would be capped at \$50. Trades executed on the PSE will be exempt from this charge.

**Market Maker Fee**—A fee of \$600 per month on all market makers is proposed to cover the costs of supporting the market maker trading system. New market makers without trading experience would be exempt from this fee for their first six months of membership. This fee would be reviewed on a periodic basis.

#### Equities Operations

The Equities Committee was composed of three Governors, eight specialists, five floor brokers, and one allied member. The increases proposed by this Committee are designed to reduce the current operating deficit of the equities floors, in part by allocating

operating costs based on usage. Changes in the following are proposed:

**Membership Fees**—The flat monthly fee of \$250 is currently charged to specialists only. This fee will be replaced by a Floor Privilege Fee of \$165 per month charged to register floor members and registered clerks. This fee of \$165 is intended to cover a variety of costs related to the ITS system, Quotron costs relating to the Autoquote system, and the cost of trading tickets and forms. This fee will be charged to those registered floor members and registered clerks physically present on the floor.

**Signature Guarantee Program**—Under this program, PSE circulates signatures of member firms' employees to transfer agents and guarantees that the signatures are genuine. The program has been administered by Pacific Clearing Corporation ("PCC") and the current rates appear in the PCC Fee Schedule. Since the PSE currently administers the program, the schedule of rates will now appear in the PSE Equities Fee Schedule. It is proposed that the annual maintenance fee be increased from \$50 to \$250; that the charge for the first addition or deletion be increased from \$50 to \$100, and that the charge for such subsequent change be increased from \$25 to \$50. The proposed increases are intended to cover the increased costs of administering the program.

**Facsimile Stamps**—Facsimile stamps are mechanically reproduced signatures. This service is provided by the PSE as a convenience to members. The service enables participants to use a PSE approved stamp on stock transfers instead of physically signing each transfer. Currently, participants in the Signature Guarantee Program are permitted to participate in this service. The charge of \$1,000 for each facsimile stamp is intended to cover the costs of approving the stamp and monitoring its use.

**Technology Fee**—A fee of \$500 per month will be charged to specialists. This fee is to be applied to equities development projects. This fee will be reviewed annually.

#### Miscellaneous Member Charges

In order to cover the materials and processing costs it is proposed to change the member fees as follows:

- Application fee from \$250 to \$350
- Joint Account Application fee from \$250 to \$350
- Inter-Firm and Intra-Firm transfer fee from \$200 to \$250
- Seat Sale transfer fee \$200
- New lease fees from \$300 to \$350
- Study Package-Test fee from \$30 to \$100 (\$50 would be applied to membership fee)

—Charges for the paperback PSE Constitution and Rules would be \$10 per member, and \$20 per non-member.

PSE has adopted the proposed rule changes pursuant to Section 6(b)(4) of the Act, which requires that the rules of an exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members, and Section 6(b)(5) that requires that the rules of an exchange be designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and, in general, protect investors and the public interest.

#### (B) Self-Regulatory Organization's Statement on Burden on Competition

PSE does not believe that the proposed rule changes impose a burden on competition.

#### (C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The proposed rule changes are the result of recommendations of member committees which were chaired by PSE Governors and members. These committees had extensive input from the membership community—no written comments were received.

#### III. Commission Findings and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder because it establishes or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any persons, other than those that



may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR-PSE-88-11 and should be submitted by August 17, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 20, 1988.

Jonathan G. Katz,  
Secretary.

[FR Doc. 88-16907 Filed 7-26-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24684]

### Filings Under the Public Utility Holding Company Act of 1935 ("Act")

July 21, 1988.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by August 15, 1988 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### System Energy Resources, Inc. 70-7467

System Energy Resources, Inc. ("SERI"), P.O. Box 23070, Jackson, Mississippi 39225-3070, a subsidiary of Middle South Utilities, Inc., a registered

holding company, has filed a post-effective amendment to its application pursuant to Sections 9(a) and 10 of the Act.

By order of the Commission dated February 19, 1988 (HCAR No. 24583) ("February 1988 Order"), SERI was authorized to enter into a Restated and Amended Fuel Lease, dated as of February 29, 1988 ("Fuel Lease"), with Port Gibson Energy, Inc., a Delaware corporation, ("Port Gibson") under which SERI leases from Port Gibson the nuclear fuel, including facilities incident to its use, used to satisfy a portion of the fuel requirements of Unit No. 1 at SERI's Grand Gulf Nuclear Generating Station. The Fuel Lease is currently scheduled to terminate on August 31, 1988 ("Termination Date").

Pursuant to the terms of the February 1988 Order, SERI consented to Port Gibson entering into a Restated and Amended Credit Agreement, dated as of February 29, 1988 ("Credit Agreement") with Union Bank of Switzerland ("UBS"), certain other banks ("Banks"), and UBS, as agent ("Agent") for the Banks under which Port Gibson financed its obligations under the Fuel Lease. The Credit Agreement also is scheduled to terminate on August 31, 1988.

In order to extend the Termination Date, Port Gibson, UBS, the Banks and the Agent proposed to enter into Amendment No. 1 to Credit Agreement ("American No. 1 to Credit Agreement") which would extend the Termination Date to February 28, 1989. SERI proposes to enter into Amendment No. 1 to Fuel Lease with Port Gibson in order to extend the term of the leasing arrangement with Port Gibson to February 28, 1989 and acknowledge notice and consent to Amendment No. 1 to Credit Agreement, which consent is required under the Fuel Lease.

#### Middle South Utilities, Inc. (70-7468)

Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed a post-effective amendment to its declaration pursuant to section 12(b) of the Act and rule 45 thereunder.

By order of the Commission dated February 19, 1988 (HCAR No. 24583), Middle South was authorized to execute a Restated and Amended Guaranty, dated as February 29, 1988, in favor of Port Gibson Energy, Inc., a Delaware Corporation ("Port Gibson") pursuant to which Middle South unconditionally guaranteed the performance of the obligations of its subsidiary, System Energy Resources, Inc. ("SERI"), with respect to a lease of nuclear fuel under

the terms of a Restated and Amended Fuel Lease ("Fuel Lease") dated as of February 29, 1988, between SERI and Port Gibson.

Middle South has been advised that Port Gibson proposes to enter into a new Credit Agreement ("Amendment No. 1 to Credit Agreement"), with Union Bank of Switzerland, and certain other banks, and UBS as Agent for the Banks. Upon execution and delivery of the Amendment No. 1 to Credit Agreement, Port Gibson is willing to enter into Amendment No. 1 to Fuel Lease ("Amendment No. 1 to Fuel Lease") in order to extend the term of the leasing arrangement of Port Gibson to coincide with the expiration of the Amendment No. 1 of Credit Agreement which is February 28, 1989. Except for the change in the expiration date, Amendment No. 1 to Credit Agreement and Amendment No. 1 to Fuel Lease will not change the terms of the respective agreements.

Middle South, as guarantor of SERI's obligations under the Fuel Lease, proposes to acknowledge notice and consent to Amendment No. 1 of Credit Agreement and Amendment No. 1 of Fuel Lease.

#### Arkansas Power & Light Company (70-7538)

Arkansas Power & Light Company ("AP&L"), 425 West Capital, 40th Floor, Little Rock, Arkansas 72201, and electric-utility subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company has filed a declaration pursuant to sections 6(a)(2), 7 and 12(e) of the Act and Rules 62 and 65 thereunder.

AP&L requests authority to amend and restate the Agreement of Consolidation or Merger constituting its articles of incorporation ("Charter"). The proposed Amended and Restated Articles of Incorporation ("New Charter") will: (1) Consolidate numerous prior amendments to AP&L's Charter; (2) adopt the new Arkansas Business Corporation Act ("New Act") to govern the affairs of AP&L which includes provisions with respect to limitation of director liability, indemnification of officers and directors and director conflict of interest; (3) effect certain changes in the provisions with respect to voting rights of common and preferred stock; and (4) effect certain other changes and clarifications to the Charter.

In addition, AP&L seeks to create a new class of preferred stock with a par value of \$0.01 per share ("Class A Preferred"), which will be *pari passu* with AP&L's outstanding \$100 Preferred Stock and \$25 Preferred Stock. In



conjunction with the creation of the Class A Preferred, the total number of authorized shares will be increased by 15 million shares.

The proposals to adopt the New Charter and to authorize a new class of preferred stock are not contingent on one another and will be voted on separately. AP&L proposes to solicit proxies for its October 19, 1988 Special Meeting of Shareholders in connection with these proposed amendments to its Charter.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR doc. 88-16908 Filed 7-26-88; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0326]

### Surrender of License; Granite State Capital, Inc.

Notice is hereby given that Granite State Capital, Inc., 7 Islington Street, P.O. Box 6564, Portsmouth, New Hampshire 03801 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Granite State Capital, Inc. was licensed by the Small Business Administration on December 29, 1983.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on July 18, 1988 and accordingly, all rights, privileges, and franchises derived there from have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Company)

Dated: July 21, 1988.

Robert G. Lineberry,  
Deputy Associate Administrator for Investment.

[FR Doc. 88-16947 Filed 7-26-88; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 02/02-5520]

### Esquire Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (§ 107.102 (1988)) by Esquire

Capital Corporation, 17 Battery Place, Suite 1613, New York, New York 10004, for a license to operate a small business investment company (SBIC) under the Small Business Investment Act of 1958, (the Act), as amended, (15 U.S.C. *et seq.*)

The proposed officers, directors and shareholders are:

Name	Title	Percentage of Ownership
Wen-Chau Chiu, 17 Battery Place, Suite 1613, New York, NY 10004.	President.....	9.8
Chung-Chi Chou, 17 Battery Place, Suite 1613, New York, NY 10004.	Secretary/Treasury.	2.9
Wu-Hsing Liao, 17 Battery Place, Suite 1613, New York, NY 10004.	Director.....	
Yi-Feng Chiang, 17 Battery Place, Suite 1613, New York, NY.	Director.....	11.7
Yen-Tse Lin, 17 Battery Place, Suite 1613, New York, NY.	Director.....	6.8
Marquis International, Inc., 103A Pidgeon Hill Road, Huntington, NY 11746.	Shareholder ..	39.2
Ching-Tse Lee, 17 Battery Place, Suite 1613, New York, NY 10004.	Shareholder ..	9.8

The Applicant will begin operations with a capitalization of \$1,000,000 and will be a source of equity capital and long term loan funds for qualified small business concerns.

As a section 301(d) Licensee it will provide assistance solely to Small Business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social and or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW, Washington, DC 20416.

A copy of this notice will be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies).

Date: July 21, 1988.

Robert G. Lineberry,  
Deputy Associate Administrator for Investment.

[FR Doc. 88-16915 Filed 7-26-88; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF STATE

[Public Notice 1071]

### Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 655 (44 FR 17846), March 23, 1979, the Department is submitting its January-July 1988 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article III (c) 5 of the guidelines published in the **Federal Register** on March 23, 1979.

Date: July 18, 1988.

Frank R. Provyn,  
Director, Office of International Conferences.

United States Delegation to the 20th Session of the Subcommittee on Standards of Training and Watchkeeping, International Maritime Organization (IMO); London, January 11-15, 1988

#### Representative

Frederic J. Grady, III, Captain  
Chief, Merchant Vessel Personnel  
Division, United States Coast  
Guard, Department of  
Transportation

#### Alternate Representative

Joseph A. Steen, Commander  
Chief, Vessel Manning Branch,  
Merchant Vessel Personnel  
Division, United States Coast  
Guard, Department of  
Transportation

#### Advisers

Stephen T. Ciccalone, Lieutenant  
Commander  
Merchant Vessel Inspection and  
Documentation Division, United  
States Coast Guard, Department of  
Transportation  
Christopher E. Krusa  
Office of Maritime Labor and  
Training, Maritime Administration,  
Department of Transportation



William A. Luther  
International Advisor of the Field  
Operations Bureau, Federal  
Communications Commission

*Private Sector Adviser*

William S. Person  
Manager, Industrial Relations, Rowan  
Companies, Incorporated, Houston,  
Texas

**United States Delegation to the  
Committee on Gas—34th Session,  
Economic Commission for Europe (ECE);  
Geneva, January 18–21, 1988**

*Representative*

George W. Zeigler  
Deputy Director, International Energy  
Organizations and Policy  
Development, Department of Energy

*Adviser*

Paul E. Behnke  
U.S. Mission, Geneva

*Private Sector Adviser*

Stewart B. Kean  
President, Utility Propane, Elizabeth,  
New Jersey

**United States Delegation to the Meeting  
on Mineral Resources, Antarctica;  
Wellington, January 18–29, 1988**

*Representative*

R. Tucker Scully  
Director, Office of Oceans and Polar  
Affairs, Bureau of Oceans and  
International Environmental and  
Scientific Affairs, Department of  
State

*Advisers*

Christina R. Dewey  
Bureau of Economic and Business  
Affairs, Department of State

Scott Hajost  
Office of the Legal Adviser,  
Department of State

Brad Laubach  
Minerals Management Service,  
Department of Interior

Thomas Laughlin  
National Oceanic and Atmospheric  
Administration, Department of  
Commerce

*Private Sector Advisers*

James K. Jackson  
Office of General Counsel, American  
Petroleum Institute, Washington,  
DC

Lee Kimball  
International Institute for  
Environment and Development  
Washington, DC

**United States Delegation to the United  
Nations Commission on International  
Trade Law (UNCITRAL), Working  
Group on International Contract  
Practices on the Liability of Operators of  
Transport Terminals; New York, January  
18–29, 1988**

*Representative*

Paul B. Larsen  
Office of the General Counsel,  
Department of Transportation

*Alternate Representative*

George Taft  
Office of the Assistant Legal Adviser  
for Private International Law, Office  
of the Legal Adviser, Department of  
State

*Private Sector Adviser*

Patrick J. Falvey  
General Counsel and Executive  
Director, The Port of New York  
Authority, New York, New York

**United States Delegation to the 34th  
Session of the Subcommittee on  
Radiocommunications, International  
Maritime Organization (IMO); London,  
January 25–29, 1983**

*Representative*

Dana W. Starkweather, Captain  
Chief, Telecommunications Systems  
Division, United States Coast  
Guard, Department of  
Transportation

*Alternate Representative*

Joseph D. Hersey, Jr.  
Chief, Marine Radio Policy Branch,  
United States Coast Guard,  
Department of Transportation

*Advisers*

Steven C. Hall  
Chief, Navigational Aids Division,  
Defense Mapping Agency,  
Department of Defense

William Luther  
Field Operation Bureau, Federal  
Communications Commission

Robert C. McIntyre  
Engineer, Private Radio Bureau,  
Federal Communications  
Commission

Larry D. Reed  
Engineer, Private Radio Bureau,  
Federal Communications  
Commission

*Private Sector Advisers*

Don Derryberry  
Exxon Company, Houston, Texas  
John Fuechsel

Maritime Services, Comsat Space  
Communications Division,  
Clarksburg, Maryland

**United States Delegation to the  
International Telecommunication Union  
(ITU), International Telegraph and  
Telephone Consultative Committee  
(CCITT), Study Group XVIII (Digital  
Networks, Including ISDN), Experts  
Meeting on Broadband Interface  
Aspects; Seoul, South Korea, January  
25–February 5, 1988**

*Representative*

William F. Utlaut  
Director, Institute for  
Telecommunications Sciences,  
National Telecommunications and  
Information Administration,  
Department of Commerce

*Advisers*

Gregory P. Bain  
National Communication Systems  
Frank M. McClelland  
National Communication Systems  
Neil Seitz

Institute for Telecommunication  
Sciences, National  
Telecommunications and  
Information Administration,  
Department of Commerce

*Private Sector Advisers*

Rodney J. Boehm  
Rockwell International, Richardson,  
Texas

David R. Cairns  
Northern Telecom, Inc., Mountain  
View, California

Dong-Ho Choi  
Contel, Inc., Fairfax, Virginia

Gary Fishman  
AT&T Communications, Bedminster,  
New Jersey

Kent W. Hughes  
Pacific Bell, San Ramon, California  
Demosthenes J. Kostas

GTE Service Corporation, Stamford,  
Connecticut

Marshall Schachtman  
Bell Communication Research, Red  
Bank, New Jersey

Carl Sederquist  
COMSAT, Clarksburg, Maryland

Michael E. Varrassi  
Federal Express Corporation,  
Memphis, Tennessee

Randall P. Wuerfel  
IBM Corporation, Santa Clara,  
California

**United States Delegation to the Ninth  
Session of the Commission for Basic  
Systems, World Meteorological  
Organization (WMO); Geneva, January  
25–February 5, 1988**

*Representative*

Elbert W. Friday, Jr.  
Deputy Assistant Administrator,  
National Weather Service, National



Oceanic and Atmospheric  
Administration, Department of  
Commerce

*Alternative Representative*

James R. Neilon  
Chief, International Activities  
Division, National Weather Service,  
National Oceanic and Atmospheric  
Administration, Department of  
Commerce

*Advisers*

Albert L. Hernhuter  
International Telecommunications  
Section, National Weather Service,  
National Oceanic and Atmospheric  
Administration, Department of  
Commerce

W. John Hussey  
Acting Director, Landsat Transition  
Group, National Environmental  
Satellite, Data, and Information  
Service, National Oceanic and  
Atmospheric Administration,  
Department of Commerce

Frederick S. Zbar  
Chief, Systems Requirements Branch,  
National Weather Service, National  
Oceanic and Atmospheric  
Administration, Department of  
Commerce

*Private Sector Adviser*

Gordon D. Cartright  
Consultant Geneva, Switzerland

**United States Delegation to the 44th  
Session of the UN Human Rights  
Commission (UNHRC), Economic and  
Social Council (ECOSOC); Geneva,  
February 1-March 11, 1988**

*Representative*

The Honorable  
Armando Valladares, United States  
Representative to the UN Human  
Rights Commission

*Representative Ex Officio*

The Honorable  
Vernon A. Walters, Ambassador  
Extraordinary and Plenipotentiary,  
Permanent United States  
Representative to the United  
Nations

*Alternative Representatives*

Marshall J. Breger  
Chairman, Administrative Conference  
of the United States  
Dennis C. Goodman  
Deputy Assistant Secretary, Bureau of  
International Organization Affairs,  
Department of State

The Honorable Joseph C. Petrone  
Ambassador, Permanent United  
States Representative to the  
International Organizations in  
Geneva

The Honorable Alberto Martinez Piedra  
Bureau of Inter-American Affairs,  
Department of State  
Maureen Reagan

United States Representative to the  
UN Commission on the Status of  
Women

*Congressional Advisers*

The Honorable Dante B. Fascell  
Chairman, Committee on Foreign  
Affairs, United States House of  
Representatives

The Honorable William S. Broomfield  
Ranking Minority Member, Committee  
on Foreign Affairs, United States  
House of Representatives

*Advisers*

W. Lewis Amselem  
United States Mission to the United  
Nations, New York, New York

Peter DeShazo  
Office of Southern Cone Affairs,  
Bureau of Inter-American Affairs,  
Department of State

William A. Green  
United States Mission, Geneva

Thomas A. Johnson  
Legal Counselor,  
United States Mission, Geneva

William U. Lawrence  
Public Affairs Officer, United States  
Consulate General, Zagreb,  
Yugoslavia

William H. Marsh  
Deputy Chief of Mission, United  
States Mission, Geneva

Peter McDevitt  
United States Mission, Geneva

Richard K. McKee  
Political Counselor, United States  
Mission, Geneva

Albert G. Nahas  
United States Mission to the United  
Nations, New York, New York

Peter Poltun  
United States Mission, Geneva

Kyle Scott  
United States Mission, Geneva

Gordon Stirling  
United States Embassy, Port-of-Spain,  
Trinidad and Tobago

Linda Turner

Office of Human Rights and Women's  
Affairs, Bureau of International  
Organization Affairs, Department of  
State

*Private Sector Advisers*

Kristina Arriaga  
Washington, DC

Danny J. Pipes  
Foreign Policy Research Institute,  
Philadelphia, Pennsylvania

**United States Delegation to the  
International Telecommunication Union,  
International Telegraph and Telephone  
Consultative Committee Meeting of the  
World Plan Committee on the  
Development of Telecommunication  
Networks; Lisbon, Portugal, February 3-  
10, 1988**

*Representatives*

Earl S. Barbely  
Director, Office of Technical  
Standards and Development,  
Bureau of International  
Communications and Information  
Policy, Department of State

*Alternate Representative*

The Honorable Parker Borg  
Deputy Coordinator and Director,  
Bureau of International  
Communications and Information  
Policy, Department of State

*Advisers*

George Li  
Chief, Facilities and Authorization,  
Federal Communications  
Commission  
Christopher Webster  
American Embassy, Lisbon, Portugal

*Private Sector Advisers*

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New Jersey

Ian M. Lifchus  
Division Manager, Bell  
Communications Research, Red  
Bank, New Jersey

Janet E. Martin  
Nynex International, White Plains,  
New York

Jack Ryan  
Supervisor, International, AT&T Bell  
Laboratories, Holmdel, New Jersey

Marcel E. Scheidegger  
Senior Manager, MCI  
Telecommunications, Rye Brook,  
New York

**United States Delegation to the 34th  
Session of the Subcommittee on Safety  
of Navigation, International Maritime  
Organization (IMO); London, February  
8-12, 1988**

*Representative*

John P. DeLeonardis, Captain  
Chief, Navigation Systems Safety  
Division, Office of Navigation,  
United States Coast Guard,  
Department of Transportation

*Alternate Representative*

Edward J. LaRue, Jr.  
Navigation System Safety Division,  
Office of Navigation, United States  
Coast Guard, Department of



## Transportation

## Advisers

Brian J. Hoyle  
Director, Office of Ocean Law and Policy, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Daphne Reese, Lieutenant (jg)  
Navigation System Safety Division, Office of Navigation, United States Coast Guard, Department of Transportation

William Schachte, Captain, USN  
Representative for Ocean Policy Affairs, Office of the Secretary of Defense, Joint Chiefs of Staff, Department of Defense

Elroy A. Soluri  
Chief, Hydrographic Requirements Division, Plans and Requirements Directorate, Hydrographic-Topographic Center, Defense Mapping Agency, Department of Defense

George R. Speight, Commander  
Chief, Offshore Activities Branch, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

## Private Sector Advisers

W.S. Griffin, Jr.  
Phillips Petroleum Company, Bartlesville, Oklahoma

Mortimer Rogoff  
President, Digital Directions Company, Inc., Washington, DC

**United States Delegation to the International Telecommunication Union (ITU), International Telegraph and Telephone Consultative Committee (CCITT), Study Group VIII; Geneva, Switzerland, February 8-19, 1988**

## Representative

Gary M. Fereno  
Deputy Director, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

## Alternate Representative

Douglas V. Davis  
Common Carrier Bureau, International Conference Staff, Federal Communications Commission

## Advisers

Dennis Bodson  
National Communications System

Frances H. Nielsen  
National Bureau of Standards, Department of Commerce

Stephen Perschau  
National Communications System

## Private Sector Advisers

Eugene H. Gavenman  
Ricoh Corporation, San Jose, California

Ralph E. Grant  
3M Company, St. Paul, Minnesota

Richard Holleman  
IBM Corporation, Purchase, New York

David C. Shearer  
Xerox Corporation, Lewisville, Texas

Herman R. Silbiger  
AT&T Bell Laboratories, Holmdell, New Jersey

Robert J. Smith  
NYNEX Corporation, Boston, Massachusetts

Stephen J. Urban  
Delta Information Systems, Inc., Horsham, Pennsylvania

**United States Delegation to the International Conference on Air Law, International Civil Aviation Organization (ICAO); Montreal, Canada, February 9-24-1988**

## Representative

Ted A. Borek  
Assistant Legal Adviser, Office of the Legal Adviser, Department of State

## Alternate Representatives

Irene E. Howie  
Assistant Chief Counsel for International Affairs and Legal Policy, Federal Aviation Administration

Edmond Stohr  
United States Representative to the International Civil Aviation Organization Council, Montreal, Canada

## Advisers

Louise Maillett  
Office of the Assistant Chief Counsel, International Affairs and Legal Policy, Federal Aviation Administration

Samuel M. Witten  
Office of the Legal Adviser, Department of State

## Private Sector Adviser

James L. Casey  
Assistant General Counsel, Air Transport Association of America, Washington, DC

**United States Delegation to the Eighth ASEAN-United States Dialogue; Washington, February 10-11, 1988**

## Representative

The Honorable W. Allen Wallis  
Under Secretary of State for Economic Affairs, Department of State

## Alternate Representative

William Piez

Department Assistant Secretary of State for East Asian and Pacific Affairs, Department of State

## Delegates

Peter Allgeier  
Assistant U.S. Trade Representative for Asia and the Pacific, Office of the U.S. Trade Representative, Executive Office of the President

James Ammerman  
Director, Office of International Banking and Portfolio Investment, Department of the Treasury

Thomas J. Berger  
Deputy Assistant Secretary for International Monetary Affairs, Department of the Treasury

Bruce Blackman  
ASEAN Regional Development Officer, Agency for International Development

Robert D. Bourgoin  
General Counsel, Federal Maritime Commission

The Honorable Julia Chang-Bloch  
Assistant Administrator for Asian and Near Eastern Affairs, Agency for International Development

The Honorable John P. Ferriter  
Deputy Assistant Secretary for International Energy and Resources Policy, Bureau of Economic and Business Affairs, Department of State

The Honorable Richard Goldberg  
Deputy Under Secretary for International Affairs and Commodity Programs, Department of Agriculture

Ralph Johnson  
Deputy Assistant Secretary for Trade and Commercial Affairs, Bureau of Economic and Business Affairs, Department of State

Michael S. Keplinger  
Patent and Trademark Office, Department of Commerce

Michael K. Kirk  
Assistant Commissioner for External Affairs, U.S. Patent and Trademark Office, Department of Commerce

Susan Kuhbach  
Director, Office of Policy Import Administration, Department of Commerce

Warren A. Lavorel  
Special Coordinator for Multilateral Trade Negotiations, Office of the U.S. Trade Representative, Executive Office of the President

The Honorable Eugene Lawson  
Deputy Under Secretary for International Affairs, Department of Labor

Donald McConville  
Director, Office of International Trade, Bureau of Economic and



- Business Affairs, Department of State  
Gerard L. McCowin  
Chief, Food and Color Additives Division, Food and Drug Administration, Department of Health and Human Services  
John Medeiros  
Director, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State  
David Miles  
Legislative Counsel, Federal Maritime Commission  
William Nance  
Acting Director, Office of East Asian Affairs, Agency for International Development  
William A. Nitze  
Deputy Assistant Secretary for Environment, Health and Natural Resources, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State  
Jon Rosenbaum  
Assistant U.S. Trade Representative for Latin America, the Caribbean and Africa, Office of the U.S. Trade Representative, Executive Office of the President  
Karl Schwartz  
Office in Charge of ASEAN Regional Programs, Agency for International Development  
Melvin W. Searls, Jr.  
Deputy Assistant Secretary for East Asia and the Pacific, Department of Commerce  
The Honorable Gaston P. Sigur  
Assistant Secretary for East Asian and Pacific Affairs, Department of State  
Kent Stauffer  
Acting Director, Office of Pacific Basin Affairs, International Trade Administration, Department of Commerce  
David S. Tarbell  
Director, International Economic and Energy Affairs, International Security Affairs, Office of the Secretary of Defense, Department of Defense  
John Tennant  
Chief, East Asia Division, Office of Project Development, Agency for International Development  
Harvey J. Winter  
Office of Business Practices, Bureau of Economic and Business Affairs, Department of State
- Advisers  
Fredri Bove  
Acting Director, ASEAN Affairs, Office of the U.S. Trade Representative, Executive Office of the President  
Rosemarie Bowie  
Patent and Trademark Office, Department of Commerce  
William Craft  
Office of International Trade, Bureau of Economic and Business Affairs, Department of State  
Clarke N. Ellis  
Director, Office of Economic Policy, Bureau of East Asian and Pacific Affairs, Department of State  
James Fall  
Director Designate, Office of Developing Nations Finance, Department of the Treasury  
Mary Lee Garrison  
Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State  
George A. Gowen, III  
Deputy Director, Office of Economic Policy, Bureau of East Asian and Pacific Affairs, Department of State  
Brian Grunenfelder  
Agricultural Economist, Office of International Trade Policy, Department of Agriculture  
John P. Harty  
Director, International Affairs Staff, Food and Drug Administration, Department of Health and Human Services  
John Holten  
Desk Officer, Asia and the Western Pacific, Food and Drug Administration, Department of Health and Human Services  
John Hopkins  
Director, Asia, Africa, and Eastern Europe Division, International Trade Policy, Foreign Agricultural Service, Department of Agriculture  
Kenneth Howland  
Deputy Assistant Administrator, International Trade Policy, Foreign Agricultural Service, Department of Agriculture  
Robert Ichord  
Chief, Office of Energy and Natural Resources, Agency for International Development  
Leslie Kautz  
Office of International Economic and Energy Affairs, Office of the Secretary of Defense, Department of Defense  
Elizabeth Kerr  
Office of East Asian and Pacific Affairs, U.S. Information Agency  
Dean Kline  
Office of Developing Nations, Department of the Treasury  
David Lambertson  
Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State  
Bruce Malkin  
Office of Economic Policy, Bureau of East Asian and Pacific Affairs, Department of State  
East Asian and Pacific Affairs, Department of State  
Diane Markowitz  
Office of International Trade, Bureau of Economic and Business Affairs, Department of State  
Julie Martin  
Regional Manager, Southeast Asia, Overseas Private Investment Corporation  
James Meenan  
ASEAN Project Development Officer, Agency for International Development  
Marilyn Meyers  
Director, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State  
Wayne Molstad  
Office of International Trade Policy, Department of Agriculture  
Eric Nelson  
ASEAN Economic Officer, Agency for International Development  
Jackie Palmeroy  
Office of Planning and Economic Analysis, Bureau of Economic and Business Affairs, Department of State  
Margaret Ricci  
Office of the U.S. Trade Representative, Executive Office of the President  
Charles Ries  
Special Assistant to the Under Secretary for Economic Affairs, Department of State  
Matthew Ryan  
Office of International Trade, Department of the Treasury  
Margaret Sampson  
Office of International Banking and Portfolio Investment, Department of the Treasury  
Stuart J. D. Schwartzstein  
Defense Technology Security Administration, Office of the Secretary of Defense, Department of Defense  
Arthur Silver  
ASEAN Program Officer, Agency for International Development  
Charles Silver  
Southeast Asian Desk Officer, Office of East Asian and Pacific Affairs, U.S. Information Agency  
Joan Sitnick  
Desk Officer for Singapore and Malaysia, Office of Pacific Basin Affairs, Department of Commerce  
Betsy Stillman  
Director, Tropical Products and Commodities, Office of the U.S. Trade Representative, Executive Office of the President  
Richard P. Wilson  
Director, Office of Indonesia, Malaysia, Brunei, and Singapore



Affairs, Bureau of East Asian and Pacific Affairs, Department of State

*Private Sector Advisers*

William E. Tucker

Chairman, U.S. Section, ASEAN-U.S. Business Council

Jose Luis Yulo, Jr.

Chairman, ASEAN Section, ASEAN-U.S. Business Council

**United States Delegation to the International Telecommunication Union, International Telegraph and Telephone Consultative Committee, Study Group II (Operation of Telephone Network and ISDN); Geneva, Switzerland, February 15-23, 1988**

*Representative*

Earl S. Barbely

Director, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

*Alternate Representative*

Douglas V. Davis

Common Carrier Bureau, International Conference Staff, Federal Communications Commission

*Private Sector Advisers*

Robert W. Madden

AT&T, Morristown, New Jersey

Mark T. Neibert,

COMSAT World Systems, Washington, DC

**United States Delegation to the 40th Session of the Subcommittee on the Carriage of Dangerous Goods, International Maritime Organization (IMO); London, February 22-26, 1988**

*Representative*

R.W. Tanner, Commander

Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

*Alternate Representative*

P.C. Olenik, Lieutenant Commander

Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

*Advisers*

C. Hochman

Chief, Engineering Branch, Office of Hazardous Materials Transportation, Research and Special Programs Administration,

Department of Transportation

G.T. Jones, Lieutenant

Marine Environmental Response Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

F.K. Thompson

Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

*Private Sector Adviser*

Ronald F. Bohn

National Cargo Bureau, Inc., New York, New York

**United States Delegation to the Meeting of the Chemicals Group and Management Committee, Organization for Economic Cooperation and Development (OECD); Paris, March 2-4, 1988**

*Representative*

John A. Moore

Assistant Administrator for Pesticides and Toxic Substances, Office of Toxic Substances, Environmental Protection Agency

*Alternate Representative*

Breck Milroy

Office of Environmental Protection, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

*Advisers*

Jane Kim

Office of International Activities, Environmental Protection Agency

Carl Mazza

Office of Toxic Substances, Environmental Protection Agency

Margaret Rostker

Office of Pesticides and Toxic Substances, Environmental Protection Agency

Appropriate USOECD

Mission Officer, Paris

*Private Sector Advisers*

Frances Irwin

The Conservation Foundation, Washington, DC

Donald D. McCollister

Dow Chemical Company, Midland, Michigan

**United States Delegation to the 31st Session of the Subcommittee on Ship Design and Equipment, International Maritime Organization (IMO); London, March 7-11, 1988**

*Representative*

Gordon G. Piche', Captain

Chief, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

*Alternate Representative*

Charles E. Bills, Commander

Chief, Engineering Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

*Advisers*

Paul J. Pluta, Commander

Chief, Compliance and Enforcement Branch, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

P.A. Richardson, Lieutenant Commander

Assistant Chief, Engineering Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

George R. Speight, Commander

Chief, Offshore Activities Branch, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

J.S. Spenser

Chief, Naval Architecture Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

*Private Sector Advisers*

James J. Gaughan

American Bureau of Shipping, Paramus, New Jersey

Michael W. Praught

Earl and Wright Consulting Engineers, San Francisco, California



United States Delegation to the 21st Session of the Executive Council of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO/IOC); Paris, France, March 7-15, 1988

*Representative*

Paul M. Wolff

Assistant Administrator, National Ocean Services, National Oceanic and Atmospheric Administration, Department of Commerce

*Alternate Representatives*

Robert W. Corell

Director, Geosciences Directorate, National Science Foundation

William A. Erb

Director, Office of Ocean Science and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

*Advisers*

Dorothy Bergamaschi

Office of Ocean Science and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Louis B. Brown

Science Associate, Division of Ocean Sciences, National Science Foundation

Candace Clark

Office of International Affairs, Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce

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United States Delegation to the Working Party on Facilitation of International Trade Procedures, Economic Commission for Europe (ECE); Geneva, March 14-18, 1988

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United States Delegation to the International Telecommunication Union (ITU), International Telegraph and Telephone Consultative Committee (CCITT), Study Group VII, Data Communications Network; Geneva, Switzerland, March 21-31, 1988

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United States Delegation to the Commission on Human Settlements, 11th Session Economic and Social Council (ECOSOC); New Delhi, April 6-12, 1988

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United States Delegation to the 55th Session of the Maritime Safety Committee, International Maritime Organization (IMO); London, April 11-22, 1988

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United States Delegation to the United  
Nations Commission on International  
Trade Law (UNCITRAL), 21st Plenary  
Session; New York, April 11-22, 1988

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United States Delegation to the  
International Telecommunication Union  
(ITU) International Radio Consultative  
Committee (CCIR), Study Group 5,  
Propagation in Non-Ionized Media;  
Geneva, Switzerland, April 11-26, 1988

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United States Delegation to the  
International Telecommunication Union  
(ITU), International Radio Consultative  
Committee (CCIR), Study Group 7,  
Standard Frequencies and Times-  
Signals; Geneva, Switzerland, April 12-  
19, 1988

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United States Delegation to the 22nd  
Session of the Legal and Administrative  
Committee and the 37th Session of the  
Consultative Committee of the Union for  
the Protection of New Plant Varieties  
(UPOV); Geneva, Switzerland, April 18-  
22, 1988

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Executive Board, United Nations  
Children's Fund (UNICEF); New York,  
New York, April 18-29, 1988***Representative*

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UNICEF, New York, New York**United States Delegation to the Steel  
Committee Working Party, Organization  
for Economic Cooperation and  
Development (OECD); Paris, April 19-20,  
1988***Representative*

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United Steel Workers of America,  
Washington, DC**United States Delegation to the  
Preliminary Intergovernmental Talks on  
Liability and Compensation for the  
Maritime Carriage of Hazardous and  
Noxious Substances and the 59th  
Session of the Legal Committee of the  
International Maritime Organization  
(IMO); London, April 20-29, 1988***Preliminary Intergovernmental Talks  
(April 20-22, 1988)**Representative*

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Division, Office of Chief Counsel,  
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Transportation*59th Session of the Legal Committee,  
(April 25-29, 1988)**Representative*

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Hazardous Substances, New  
Orleans, Louisiana**United States Delegation to the  
International Telecommunication Union  
(ITU), International Radio Consultative  
Committee (CCIR), Study Group 8,  
Mobile, Radiodetermination and  
Amateur Signals; Geneva, Switzerland,  
April 20-May 6, 1988***Representatives*

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**United States Delegation to the Council  
and Committee Meetings, International  
Natural Rubber Organization (INRO);  
Kuala Lumpur, April 20-28, 1988**

*Committee on Administration, April 20-  
22, 1988*

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Managing Director, Firestone  
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**United States Delegation to the  
Committee on Buffer Stock Operations,  
Committee on Statistics, and Committee  
on Other Measures, International  
Natural Rubber Organization (INRO);  
Kuala Lumpur, April 21-24, 1988**

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**United States Delegation to the  
International Coffee Organization  
Council (ICO); London, April 24-30, 1988**

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**United States Delegation to the Maritime  
Transport Committee, Organization for  
Economic Cooperation and  
Development (OECD); Paris, April 25-27,  
1988**

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**United States Delegation to the World  
Intellectual Property Organization  
(WIPO), Committee of Experts on  
Measures Against Counterfeiting and  
Piracy; Geneva, Switzerland, April 25-  
28, 1988**

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**United States Delegation to the  
Organization of American States (OAS),  
Inter-American Telecommunications  
Conference (CITEL), the First Special  
Meeting and the XXth Meeting of the  
Permanent Executive Committee (COM/  
CITEL); Lima, Peru, April 25-29, 1988**

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**United States Delegation to the  
International Telecommunications  
Union (ITU), International Telegraph  
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(CCITT), Study Group XVII (Data  
Transmission Over the Telephone  
Network); Geneva, Switzerland, April  
25-29, 1988**

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**United States Delegation to the Standing  
Group on Long-Term Cooperation (SLT),  
Organization for Economic Cooperation  
and Development/International Energy  
Agency (OECD/IEA); Paris, April 26-27,  
1988**

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**United States Delegation to the  
International Telecommunications  
Union (ITU), International Radio  
Consultative Committee (CCIR), Study  
Group 6, Propagation in Ionized Media;  
Geneva, Switzerland, April 27-May 10,  
1988**

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**United States Delegation to the Forty-  
First World Health Assembly of the  
World Health Organization (WHO),  
Geneva, May 2-13, 1988**

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Under Secretary of Health and Human  
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The Honorable Robert E. Windom, M.D.  
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Assistant Secretary for Health, Public  
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The Honorable Joseph C. Petrone

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**United States Delegation to the Fourth  
Meeting of the Future Air Navigation  
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International Civil Aviation  
Organization (ICAO), Montreal, Canada,  
May 2-20, 1988**

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**United States Delegation to the Meeting  
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Wellington, New Zealand, May 2-June 2,  
1988**

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**United States Delegation to the 29th  
Session of the Subcommittee on  
Containers and Cargoes, International  
Maritime Organization (IMO); London,  
May 9-13, 1988**

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**United States Delegation to the  
International Telecommunication Union  
(ITU), International Telegraph and  
Telephone Consultative Committee  
(CCITT), Study Group 1 (Definition  
Operation and Quality of Service  
Aspects of Telegraph, Data  
Transmission and Telematic Services);  
Geneva, Switzerland, May 10-18, 1988**

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**United States Delegation to the Fourth  
Session, Joint Intergovernmental Group  
of Experts on Maritime Liens and  
Mortgages, International Maritime  
Organization (IMO), United Nations  
Conference on Trade and Development  
(UNCTAD); London, May 16-20, 1988**

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**United States Delegation to the  
International Telecommunication Union  
(ITU), International Telegraph and  
Telephone Consultative Committee  
(CCITT); Study Group XI (ISDN and  
Telephone Network Switching and  
Signaling); Geneva, Switzerland, May  
16-27, 1988**

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**United States Delegation to the 18th  
Session of the Subcommittee on Bulk  
Chemicals, International Maritime  
Organization (IMO); London, May 23-27,  
1988**

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**United States Delegation to the  
International Telecommunication Union  
(ITU), 2d Session of the Regional  
Administrative Radio Conference To  
Establish a Plan for the Broadcasting  
Service in the Band 1 605-1 705 KHZ in  
Region 2; Rio De Janeiro, May 23-June 9,  
1988**

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The Honorable Patricia Diaz Dennis  
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**United States Delegation to the 40th  
Annual Meeting and Associated  
Meetings, International Whaling  
Commission (IWC); Auckland, May 24-  
June 3, 1988**

*Representative*

The Honorable William E. Evans  
United States Commissioner  
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*Alternate Representative*

The Honorable Norman Roberts  
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Thomas Napageak  
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Nolan Solomon  
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**United States Delegation to the  
International Telecommunication Union  
(ITU), International Telegraph and  
Telephone Consultative Committee  
(CCITT), Study Group III (Tariff  
Principles, Including Accounting);  
Geneva, Switzerland, May 30-June 7,  
1988**

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Marcel Scheidegger  
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**United States Delegation to the 40th  
Session of the Executive Council, World  
Meteorological Organization (WMO);  
Geneva, June 6-16, 1988**

*Alternate Member*

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National Oceanic and Atmospheric  
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National Academy of Sciences,  
Washington, DC

**United States Delegation to the  
International Telecommunication Union  
(ITU), International Telegraph and  
Telephone Consultative Committee  
(CCITT), Study Group XVIII (Digital  
Networks, Including ISDN); Geneva,  
Switzerland, June 6-17, 1988**

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**United States Delegation to the Fifth  
Annual Meeting of the Council of the  
North Atlantic Salmon Conservation  
Organization (NASCO); Reykjavik  
Iceland, June 13-17, 1988**

*Commissioners*

The Honorable Allen E. Peterson, Jr.  
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National Marine Fisheries Service,  
National Oceanic and Atmosphere  
Administration, Department of  
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The Honorable Richard A. Buck  
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The Honorable Frank E. Carlton  
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Savannah, Georgia

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**United States Delegation to the 20th  
Session of the Subcommittee on  
Lifesaving Search and Rescue (LSR),  
International Maritime Organization  
(IMO); London, June 13-17, 1988**

*Representative*

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**United States Delegation to the United  
Nations Educational, Scientific, and  
Cultural Organization (UNESCO)/World  
Intellectual Property Organization  
(WIPO), Committee of Governmental  
Experts on the Evaluation and Synthesis  
of Principles on Various Categories of  
Works; Geneva, Switzerland, June 27-  
July 1, 1988**

*Representative*

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Register of Copyrights, Copyright  
Office, Library of Congress

*Alternate Representative*

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Schwab, Goldberg, Price, and Dannay,  
New York, New York

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United States Delegation to the  
International Maritime Organization  
(IMO), 33d Session of the Subcommittee  
on Stability and Load Lines and on  
Fishing Vessels Safety; London, July 4-8,  
1988

*Representative*

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Chief, Naval Architecture Branch,  
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[FR Doc. 88-16855 Filed 7-26-88; 8:45 am]

BILLING CODE 4710-19-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement; Travis and Williamson Counties, TX

**AGENCY:** Federal Highway  
Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this  
notice to advise the public that an  
environmental impact statement will be  
prepared for a proposed highway project  
in Travis and Williamson Counties,  
Texas.

**FOR FURTHER INFORMATION CONTACT:**  
Gamaliel E. Olvera, District Engineer,  
Federal Highway Administration, 826  
Federal Office Building, Austin, Texas  
78701, Telephone: (512) 482-5966.

**SUPPLEMENTARY INFORMATION:** The  
FHWA, in cooperation with the Texas  
State Department of Highways and  
Public Transportation (TSDHPT),  
intends to prepare an environmental  
impact statement (EIS) on a proposal to  
construct a multiple lane, controlled  
access highway on 300-400 feet of right-  
of-way in Travis and Williamson  
Counties. The proposed facility which is  
commonly referred to as Mogan and  
which has been designated as State  
Highway 130, would extend from US 183  
east of Austin to IH 35 north of  
Georgetown. The proposed facility  
would generally parallel IH 35 to the  
east. Included in the proposal are  
interchanges as US 183, US 290, SH 45  
(the Austin Outer Loop), US 79, and IH  
35. The EIS will consider several build  
alternatives along with a no-build  
alternative.

The proposed project is an important  
linkage in the regional transportation  
system. It is needed to relieve the  
present and projected traffic demands  
on the existing area roadway network,  
particularly IH 35. In light of the stress  
being placed on the existing  
transportation system, it is clear that  
additional highway capacity is needed to  
adequately handle present traffic  
demands plus the additional demands  
generated by anticipated future growth.

There are currently no plans to hold a  
formal scoping meeting for the proposed  
project. A public meeting and a public  
hearing will be held. Public notices will  
be given of the date, time, and place of  
each. The environmental assessment is  
available for review by the public or any  
interested party. The draft EIS will be  
available for public and agency review  
and comment.

To ensure that the full range of issues  
related to this proposed action are  
addressed and all significant issues are  
identified, comments and suggestions are  
invited from all interested parties.

Comments or questions concerning this  
proposed action and the EIS should be  
directed to the FHA at the address  
provided above.

(Catalog of Federal Domestic Assistance  
Program Number 20.205, Highway Research,  
Planning and Construction. The regulations  
implementing Executive Order 12372  
regarding intergovernmental consultation on  
Federal programs and activities apply to this  
program.)

Issued on July 18, 1988.

Gamaliel E. Olvera,

*District Engineer.*

[FR Doc. 88-16854 Filed 7-26-88; 8:45 am]

BILLING CODE 4910-22-M

### National Highway Traffic Safety Administration

[Docket No. EX88-2; Notice 1]

#### Officine Alfieri Maserati S.p.A.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

Officine Alfieri Maserati S.p.A.  
(Maserati) of Modena, Italy, through  
Maserati Automobiles Incorporated  
(MAI) of Baltimore, MD, has petitioned  
for a temporary exemption from the  
passive restraint requirements of Motor  
Vehicle Safety Standard No. 208,  
*Occupant Restraint Systems*, which  
would cover vehicles manufactured  
from April 1, 1988, to September 1, 1989.  
The basis of the petition is that  
compliance would cause substantial  
economic hardship. If an exemption  
cannot be granted on that basis,  
petitioner requests that an exemption be  
granted on the basis that it would  
otherwise be prevented from selling a  
motor vehicle whose overall level of  
safety equals or exceeds that of a non-  
exempted motor vehicle.

This notice of receipt of the petition is  
published in accordance with the  
regulations of the National Highway  
Traffic Safety Administration (49 CFR  
Part 555), and does not represent any  
agency decision or other exercise of  
judgment concerning the merits of the  
petition.

A manufacturer is eligible to apply for  
a hardship exemption if its total motor  
vehicle production in its most recent  
year of production does not exceed  
10,000, as determined by the NHTSA  
Administrator (15 U.S.C. 1410(d)(1)).  
During the 12-month period ending  
March 31, 1988, a total of 3,412 Maserati  
vehicles were produced, a portion of  
which were imported into the United  
States. However, two other motor  
vehicle manufacturers, Chrysler  
Corporation and G.B.M. S.p.A. (Benelli  
motorcycles), hold interests in Maserati.  
The threshold of eligibility would be



exceeded if the world-wide production totals of these manufacturers were added to that of Maserati.

As discussed below, NHTSA has tentatively concluded that the threshold of eligibility is not exceeded. The agency believes that there are two general issues concerning whether Maserati's eligibility is affected by its relationships with other manufacturers. The first issue is whether Maserati can be considered the manufacturer of any vehicles other than the 3,412 Maseratis cited above, with the possible result that the 10,000 limit is exceeded. This question can be answered in the negative since, based on information available to NHTSA, Maserati does not have any involvement in the manufacture of vehicles by another person.

The second and more difficult issue is whether persons other than Maserati can be considered to manufacture the 3,412 Maseratis. The National Traffic and Motor Vehicle Safety Act does not include any provision indicating that a person is a manufacturer of a vehicle by virtue of ownership or control of another person that is a manufacturer.

NHTSA has stated, however, that a person may be a manufacturer of a vehicle manufactured by another person if the first person has a sufficiently substantial role in the manufacturing process that it can be deemed to be a sponsor of the vehicle. The agency considers the statutory definition of "manufacturer" (15 U.S.C. 1391(5)) to be sufficiently broad to include sponsors, depending on the circumstances. See 50 FR 14596, April 12, 1985, and September 18, 1987 letter to General Motors. In the present instance, the vehicles for which exemption is sought were designed and engineered by Maserati without assistance from Chrysler or G.B.M., and they will be imported and sold by a distribution/dealer network which is independent of Chrysler and G.B.M. Accordingly, NHTSA concludes that neither Chrysler nor G.B.M. are manufacturers of Maserati passenger cars by virtue of being a sponsor.

Maserati/MAI argue that "notwithstanding a good faith effort to research and develop passive restraints over the last seven (7) years, significant financial hardships prevented the Company from developing a passive system in time to comply with the phase-in requirements." Through 1981, Maserati produced only 350 cars a year for all markets, but at the end of 1982 introduced the Biturbo series with the intent of providing vehicles of broader

appeal. Present management took control of Maserati at the end of 1984, and "investments by minority shareholders during late 1986" allowed Maserati to begin a new round of product development in 1987. These investments were also required for its expenditure "of significant sums on Chrysler-oriented programs and programs to enhance fuel economy and improve emission control." No Maseratis were manufactured for the U.S. market between September 1987 and April 1988. However, before September 1, 1988, Maserati intends to import revised variations of its Biturbo series and a new larger sport coupe which will be manufactured between April 1, 1988, and September 1, 1988 ("the 1988 period"). The petitioner seeks exemption for these vehicles, as well as for those produced between September 1, 1988, and September 1, 1989 ("the 1989 period"). Maserati estimates that importation for the 1988 period will be 400 units excluding convertibles, and, for the 1989 period, 1,500 units excluding convertibles. To comply with the phase-in requirements of Standard No. 208 at these production levels, 25% of the 1988 period imports (or 100 vehicles) would have to be equipped with passive restraints, and 40% of cars imported in the 1989 period (or 600 vehicles). Maserati/MAI argue that Maserati is not capable of producing these cars, and that even if it were, the cost to conform "would impose an enormous financial hardship on the Company."

More specifically, Maserati states that a feasibility study of passive restraints was conducted in 1981, which was not pursued in the aftermath of the agency's rescission of the rule later that year. In 1984, when the current phase-in requirement was adopted, Maserati's limited resources did not allow the immediate devotion of money and manpower to a passive restraint program, especially in view of the "on again off again" history of the passive restraint requirement, and the possibility that mandatory seat belt laws might nullify the requirement. In the spring of 1985 the petitioner contacted a German consultant who developed a system which "was not well received at Maserati. The dissatisfaction focused on the system's unattractive and 'cheap' appearance which would not meet with customer acceptance." \* \* \* The same consultant subsequently developed a motorized belt system in 1986, but Maserati concluded that it "was quite complex and of questionable

adaptability to Maserati vehicles." Maserati thereafter concluded it would have to develop an airbag system, which it could install in 100% of its production including convertibles, instead of a motorized system which it could install only in non-convertibles destined for the U.S. Under its current plans, production of driver side air bags will commence by May-June 1989, with passenger side airbag production beginning 6 to 8 months later. Thus, the company believes it has made a good faith effort to meet the standard.

With respect to economic hardship, during the period Maserati was investigating the feasibility of passive restraints, the company incurred severe losses, principally due to declining sales. In 1985, at 1988 exchange rates, it lost over \$14,000,000, which increased to almost \$26,000,000 in 1986 with even greater losses anticipated for 1987. Denial of the petition would result in the halting of U.S. Maserati sales (20-30% of its total), which it views as a "fatal blow", as well as closure of MAI. Maserati views an exemption as in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act because of the low safety impact of the small number of vehicles involved, and the fact that the exempted vehicles will have three-point restraint systems in the rear seat as well as the front. An exemption will allow development and introduction of air bags (rather than passive belts), first on the driver side, and within six months, on the passenger side too. Maserati also expresses a willingness "to undertake a reasonable seat belt use program during the 1988 and 1989 (exempted) periods through a direct mailing, an advertising campaign, or similar program."

Maserati has also petitioned for exemption on an alternate basis. Heretofore NHTSA has discouraged petitioners from so doing, on the grounds that an exemption can be provided only on one basis. However, the agency has concluded that there is no legal reason why a petitioner cannot petition on more than one basis, even though an exemption, if granted, will be based on only one petitioner's argument's. Maserati argues that an exemption would permit it to sell a vehicle whose overall level of safety equals or exceeds that of a non-exempted one. Such an exemption would cover the importation of up to 2,500 vehicles in any 12-month period that the exemption is in effect.



Maserati's planned importation for the 1988 and 1989 periods would be far less than this amount. MAI would import vehicles containing a safety belt interlock system "which would prevent the starting of the vehicle unless the driver's and, if occupied, the passenger's safety belts were attached." Such a system would be installed on all of the vehicles and not simply the percentages subject to the phase-in requirements, thus assuring "a greater level of motor vehicle safety than compliance with the passive restraint phase-in would achieve." Assembly-line installation of the interlock system would begin upon issuance of a grant, and to the extent feasible Maserati would retrofit cars already produced in the 1988 and 1989 periods.

Although 15 U.S.C. 1410b(b)(1) prohibits a Federal motor vehicle safety standard from requiring or permitting compliance with the standard by means of a safety belt interlock system, Maserati argues that this prohibition is inapplicable to it. Because it is requesting an exemption from Standard No. 208, it would not be complying with Standard No. 208 on the basis of an interlock. NHTSA is interested in receiving comments on this aspect of Maserati's arguments.

Interested persons are invited to submit comments on the petition of Maserati described above. Comments should refer to the docket number and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The petition and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will be considered to the extent practicable. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: August 26, 1988.

(15 U.S.C. 1410; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on July 15, 1988.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 88-16835 Filed 7-22-88; 9:01 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

Dated: July 21, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

#### Internal Revenue Service

OMB Number: 1545-0074

Form Number: 1040 and related

Schedules A, B, C, D, E, F, R & SE

Type of Review: Revision

Title: U.S. Individual Income Tax Return

Description: This form is used by individuals to report their income tax and compute their correct tax liability. The data is used to verify that the items reported on the form are correct and are also for general statistical use.

Respondents: Individuals or households

Estimated Number of Respondents:

66,850,000

Estimated Burden Hours Per Response:

1040: 2 hours 51 minutes

Sch A: 44 minutes

Sch B: 23 minutes

Sch C: 1 hour 51 minutes

Sch D: 1 hour 32 minutes

Sch E: 1 hour 6 minutes

Sch F: 1 hour 36 minutes

Sch R: 28 minutes

Sch SE: 15 minutes

Frequency of Response: Annually

Estimated Total Reporting Burden:

296,252,372 hours

Clearance Officer: Garrick Shear, (202)

535-4297, Internal Revenue Service,

Room 5571, 1111 Constitution

Avenue, NW., Washington, DC

20224.

OMB Reviewer: Milo Sunderhauf, (202)

395-6880, Office of Management

and Budget, Room 3208, New

Executive Office Building,

Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer,

[FR Doc. 88-16877 Filed 7-26-88; 8:45 am]

BILLING CODE 4810-25-M

## Office of the Secretary

[Department Circular; Public Debt Series No. 19-88]

### Treasury Notes of July 31, 1990, Series AD-1990

July 21, 1988.

#### 1. Invitation for Tenders

1.1 The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$8,750,000,000 of United States Securities, designated Treasury Notes of July 31, 1990, Series AD-1990 (CUSIP No. 912827 WL 2), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

#### 2. Description of Securities

2.1. The Notes will be dated August 1, 1988, and will accrue interest from that date, payable on a semiannual basis on January 31, 1989, and each subsequent 6 months on July 31 and January 31 through the date that the principal becomes payable. They will mature July 31, 1990, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000, and in multiples of those amounts. They



will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500, prior to 1:00 p.m., Eastern Daylight Saving time, Wednesday, July 27, 1988.

Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, July 26, 1988, and received no later than Monday, August 1, 1988.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is \$5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary markets in government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and

loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determination of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield or accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

### 5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5 must be made or completed on or before Monday, August 1, 1988. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; the Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, July 28, 1988. In addition, Treasury Tax and Loan Note Option Depositories may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Monday, August 1, 1988. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used



to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

#### 6. General Provisions

6.1 As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

*Fiscal Assistant Secretary.*

[FR Doc. 88-16932 Filed 7-22-88; 3:57 pm]

BILLING CODE 4810-40-M

#### Office of Tax Analysis

##### Intent To Examine Depreciation of Assets Used by the Cable Television and Motor Vehicle Industries and Announcement of Public Meetings

The Depreciation Analysis Division of the Office of Tax Analysis, U.S. Department of the Treasury, intends to initiate studies of assets used in the cable television industry and assets to manufacture motor vehicles.

Pursuant to the mandates of the Tax Reform Act of 1986 (Pub. L. 99-514), the Depreciation Analysis Division will solicit information relating to the anticipated useful life and anticipated decline in economic value of the above noted assets from owners of these assets. This information, together with additional information such as the depreciation methods used in accounting for such assets in the taxpayer's financial reports, and the terms under which such assets are financed or leased, will be used to determine appropriate class lives for these assets.

The Depreciation Analysis Division will hold public meetings with all interested parties to discuss the precise definition of the assets to be included in

these studies, the specific nature of the information sought and other related issues. The meetings are scheduled for:

Assets used in the manufacture of motor vehicles: Tuesday, August 23, from 10:00 a.m. to 12:00 noon.

Assets used in the cable television industry: Wednesday, August 24, from 1:30 p.m. to 3:30 p.m.

Both of these meetings will be held in Room 4125 of the Treasury Department, 15th Street and Pennsylvania Avenue, NW, Washington, DC.

Names of those wishing to attend the meeting, and any inquiries, comments, or other materials relating to this study should be sent to: Depreciation Analysis Division, Office of Tax Analysis, Room 4127, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, DC 20220, Telephone Number: (202) 566-8563.

July 20, 1988.

O. Donaldson Chapoton,

*Assistant Secretary (Tax Policy).*

[FR Doc. 88-16925-Filed 7-26-88; 8:45 am]

BILLING CODE 4810-25-M

#### UNITED STATES INSTITUTE OF PEACE

##### Call for Applications; Solicited Grants, 1988

##### The U.S. Institute of Peace

The Institute of Peace is an independent nonprofit corporation, funded entirely by congressional appropriations. Established by Congress in 1984, the Institute has its origins in the tradition of American statesmanship which seeks to limit international violence and to achieve a just peace based upon freedom and human dignity.

##### The Grants Program

The Grants Program of the United States Institute of Peace promotes scholarship education, training, and the dissemination of information on international peace and conflict management by providing financial support to nonprofit organizations, official public institutions, and individuals. Institute funded projects have addressed such topics as the role of third-party negotiators in the resolution of regional conflicts; religious and ethical questions in war and peace; the use of nonviolent sanctions in confronting political violence; global security in the nuclear age; and the relationship between domestic political systems and the aggressive use of force.

#### Solicited Grants

In addition to its established practice of providing support for unsolicited grant proposals, the Institute is initiating a program of solicited grant projects which will serve to focus attention on topics of special interest. Topics selected for consideration in the current grant cycle are:

##### • *The Role of Deterrence in Avoiding War*

The principles of deterrence have been central to national policies throughout this century. The Institute will sponsor studies to (1) review the current status of theories related to deterrence; (2) examine the effectiveness of deterrence in past cases during the twentieth century, and any reasons for deterrence failures; and (3) review the possible future operation of deterrence for the U.S. and other countries, including its relevance in both nuclear and nonnuclear settings. The review of the future role of deterrence will take into account present and potential future arms control agreements and possible changes in relationships between the United States and the Soviet Union. All work will be based on a prior explanation and justification of how the particular project will relate to other work that has been carried out or is planned in this area of research.

##### • *Comparative Study of Armed Conflicts in the Third World*

Conflicts in the Third World currently account for most of the world's wars. The Institute will fund studies which examine such issues as (1) how to resolve such conflicts or, at a minimum, control them at a level short of the breakdown of regional order with possible global implications; (2) the role of external powers in such conflicts; (3) the role of third parties, whether they are international organizations, states, or individuals, in affecting the continuation or mediation of conflict; (4) the ability of regional actors to negotiate settlements and to advance regional cooperation; and (5) structural and systemic changes which may contribute to more stable relations, including regional arms-control agreements. The impact on such regions of the proliferation of nuclear arms and chemical weapons will also be examined.

##### • *Teaching Public Understanding of the Geneva Conventions*

The Geneva Conventions call for the full dissemination of the conventions in signatory countries. The Institute will fund a project to assist in educating the



public on the laws of war as called for by the conventions. The project would involve a survey of the current state of such education, identification of needs for additional dissemination, and the preparation of curriculum tools, handbooks, articles, films, and other material for distribution in the United States and other countries. The Institute may wish to explore this project in conjunction with the International Committee of the Red Cross.

• *The Relationship Between Different Types of Domestic Regimes and the Aggressive Use of Force Internationally*

Policymakers and analysts continue to debate the extent to which countries with different types of political structures and arrangements (both formal and informal) differ in their willingness to use force aggressively in international relations. The Institute will support studies which empirically examine the records of various types of regimes in this regard, including the relationship between willingness to commit aggression and domestic political cultures, legal systems, and human rights policy. The special strengths and shortcomings of democracies in dealing with questions of peace and war are of special interest to the Institute. Studies will be sponsored which examine the problems of continuity in policy making and policy implementation in democratic regimes, including the effects of the separation of powers and other aspects of the potential fractionalization of the policy process. These studies will consider the experience of democracies in managing international conflicts including the process of conducting negotiations, the preparation for adequate defense, overall conduct in deterring conflict, decisions to use force, termination of ongoing conflict, and the role of public opinion.

• *Religion, Peace and War*

In many parts of the world religion is playing an increasingly critical role in influencing the resolution of international conflicts. The Institute will support projects which examine the role of religion both historically and with regard to contemporary affairs. Topics for study may include (1) religious doctrine and its role as a source of political stability and precipitator of political change; (2) the nature of belief systems and causal links, if any, to patterns of violence or nonviolence; (3) religion as a means of reconciliation between groups and states; (4) the nature of religious forces and their interaction with secular elements in political systems; and (5) religion as a

transnational phenomenon and as an alternative to formal or governmental institutions for conflict management and conflict resolution. These studies may focus on the regional aspects of these matters, including the role of religious institutions and doctrines in the Middle East, in Latin America, in Eastern Europe, and in the western democracies.

**How to Apply**

The Institute encourages applications from nonprofit organizations, official public institutions, and individuals. For further information or application material, please call or write: Solicited Grant Projects, U.S. Institute of Peace, 1550 M Street, NW., Suite 700, Washington, DC 20005-1708, 202/457-1706.

**Deadline For Applications**

The closing date for receipt of solicited grant applications in the current review cycle is September 1, 1998.

Contact: Hrach Gregorian, Director of Grants Program, (202) 457-1706.

Date: July 20, 1988.

Samuel W. Lewis,  
President, United States Institute of Peace.  
[FR Doc. 88-16913 Filed 7-26-88; 8:45 am]

BILLING CODE 3155-01-M

**VETERANS ADMINISTRATION**

**Privacy Act of 1974; Report of New Matching Program**

**AGENCY:** Veterans Administration.

**ACTION:** Notice of matching program—verification of Veterans Administration licensure and registration records.

**SUMMARY:** Notice is hereby given that the Veterans Administration (VA) will periodically conduct a series of computer matches of VA records of licensed health care providers with the records of license or registration issuing or monitoring entities. The goal of the matches is to verify that providers employed or utilized by the agency are holding current, unrestricted licenses/registrations to practice. This notice supersedes the notice by the VA Office of Inspector General of a similar match at 50 FR 30327 (July 25, 1985).

**DATE:** It is anticipated that the first match will commence in the Fall of 1988.

**ADDRESS:** Interested individuals may comment on the proposed matches by writing to the Assistant Chief Medical Director for Clinical Affairs (11F), Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC, 20420.

**FOR FURTHER INFORMATION CONTACT:**

Susan J. Brennan, Department of Medicine and Surgery, Office of Clinical Affairs (11F), Veterans Administration, 810 Vermont Avenue, NW; Washington, DC 20420, (202) 233-3118.

**SUPPLEMENTARY INFORMATION:** Further information regarding the matching program is provided below. This information is required by paragraph 5.f.(1) of the Revised Supplemental Guidance for Conducting Matching Program, issued by the Office of Management and Budget (47 FR 21656, May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

Approved: July 18, 1988.

Thomas K. Turnage,  
Administrator.

**Report of Matching Program: Veterans Administration Records of Licensed and/or Registered Health Care Providers with Records of License and/or Registration Issuing or Monitoring Entities**

a. *Authority:* 38 U.S.C. sections 4105, 4106 and 4108; and Pub. L. 99-166, section 204.

b. *Program Description:*

(1) *Purpose:* The Veterans Administration (VA), Department of Medicine and Surgery and Office of Personnel and Labor Relations, plans periodically to match lists of licensed/registered health care providers employed by or in training with the VA, as well as consultants, attendings and fee-basis providers utilized by the VA to provide health care, with the records of such license/registration issuing or monitoring entities as the Chief Medical Director may designate.

Title 38, United States Code, Section 4105, specifies that any person to be eligible for appointment in the Department of Medicine and Surgery must have applicable qualifications specified in the Section. In the case of physicians, dentists, nurses, podiatrists, optometrists, pharmacists, psychologists, dental hygienists, licensed practical or vocational nurses, and licensed physical therapists, these qualifications include licensure, registration or certification to practice the profession or occupation in a State. The matches will verify that these practitioners employed or utilized by the VA possess current, unrestricted licensure/registration in a State. For purposes of this computer matching program, "State" means any of the 50 States, any territory or Commonwealth



of the United States, and the District of Columbia.

(2) *Procedures:* VA will perform the matches using extracts of three VA systems of records consisting of names, dates of birth and social security numbers, and records in a similar format provided by the license/registration issuing or monitoring entity (hereafter referred to as "entity"). In the event of a "hit," i.e., the determination through the matching program that a license/registration to practice has expired, or has been suspended, restricted, revoked, or otherwise limited, the identity of the individual will be confirmed. Before the information is considered for appropriate personnel action, "hits" will be screened to determine whether the reason for restriction of a license is significant to VA employment. When needed to confirm the identities of individuals who may be listed in the records of the entity, identifying data may be released in accordance with published routine uses. Where there are reasonable grounds to believe there has been a violation of criminal law, the matter will be referred for investigation and possible prosecution.

In conducting the matching program the VA will request that the entity provide computerized excerpts containing the names, dates of birth, social security numbers, and status of licenses/registrations of practitioners. If a law or rule prohibits an entity from furnishing a computerized extract of its records, the VA will submit computerized tapes or records containing only names, dates of birth and social security numbers of the VA records to be matched. The loan of any

VA records to an entity for matching purposes will be in accordance with OMB Matching Guidelines which require the recipient to agree to the following: That the source matching file will remain the property of the VA and will be returned to the VA at the end of the matching program (or destroyed as appropriate); that the file will be used and accessed only to match the files previously agreed to; that the file will not be used to extract information concerning "non-hit" individuals for any purposes; and that the file will not be duplicated or disseminated within or outside the matching agency unless authorized in writing by the VA.

c. *Records to be Matched:* Lists extracted from the following systems of records will be matched with the license records of the license monitoring or issuing entities:

(1) Individuals Submitting Invoices/Vouchers for Payment-VA (13VA047) Privacy Act issuances, 1986, Comp., Vol. V, pp. 763-764.

(2) Patient Fee Basis Medical and Pharmacy Record-VA (23VA136) Privacy Act Issuances, 1986 Comp., Vol. V, pp. 770-771.

(3) Personnel and Accounting Pay System-VA (27VA047) Privacy Act Issuances, 1986 Comp., Vol. V, pp. 772-773.

The disclosure of information from these systems of records, for the purpose of the matching program, is permitted by published routine uses.

d. *Period of Match:* Intermittently from the Fall of 1988. The matching will be cyclical or may be repeated periodically.

e. *Safeguards:* Records used in the matches and data generated as a result will be safeguarded from unauthorized disclosure. Access will be limited to those persons who have a need for the information in order to conduct the match or follow-up actions. All of the material will be stored in locked containers when not in use. The matching files to be used in this project will remain under the control of VA and will be returned to the appropriate file manager or destroyed upon completion of the match. The matching files will be used and accessed only to match files in accordance with this notice; will not be used to extract information concerning "non-hit" individuals for any purpose, and will not be disseminated outside the VA unless authorized by the appropriate agency official.

f. *Retention and Disposition:* Records not resulting in "hits" will be destroyed by burning, shredding or electronic erasing within two months of the completion of the individual match. Records resulting in "hits" will be retained by VA until completion of any necessary administrative or legal action and will then be disposed of in accordance with approved records control schedules and/or approved disposition authority from the Archivist of the United States.

g. *Previous Notice:* The matches described in this notice will be similar to that conducted in 1985 by the VA Office of Inspector General as described in 50 FR 30327 (July 25, 1985).

[FR Doc. 88-16849 Filed 7-26-88; 8:45 am]

BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 53, No. 144

Wednesday, July 27, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 53 FR 27103, Monday, July 18, 1988.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 2:00 p.m. (eastern time), Tuesday, July 26, 1988.

**CHANGE IN MEETING:** The Closed Portion of the Meeting has been Cancelled.

**CONTACT PERSON FOR MORE INFORMATION:** Frances M. Hart, Executive Officer, Executive Secretariat, (202) 634-6748.

Date: July 21, 1988.

Frances M. Hart,  
Executive Officer, Executive Secretariat,  
[FR Doc. 88-16989 Filed 7-25-88; 11:18 am]  
BILLING CODE 6750-06-M

## FARM CREDIT ADMINISTRATION

Farm Credit Administration; Regular Meeting

**AGENCY:** Farm Credit Administration.

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board). The regular meeting of the Board is scheduled for August 2, 1988.

**DATE AND TIME:** The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on August 2, 1988, from 10:00 a.m. until such time as the Board may conclude its business.

**FOR FURTHER INFORMATION CONTACT:** David A. Hill, Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4003.

**ADDRESS:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

**SUPPLEMENTARY INFORMATION:** This meeting of the Board will be open to the public (limited space available). The matters to be considered at the meeting are:

### Open Session

1. Summary Prior Approvals.

Dated: July 25, 1988.

David A. Hill,

Secretary, Farm Credit Administration Board.  
[FR Doc. 88-17022 Filed 7-25-88; 4:03 pm]

BILLING CODE 6705-01-M

## FARM CREDIT ADMINISTRATION

Farm Credit Administration Board;  
Special Meeting

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

**DATE AND TIME:** The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on July 29, 1988, from 10:00 a.m. until such time as the Board may conclude its business.

**FOR FURTHER INFORMATION CONTACT:** David A. Hill, Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

**ADDRESS:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

**SUPPLEMENTARY INFORMATION:** Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

### Open Session

1. Final Regulations Establishing Minimum Permanent Capital Standards for Farm Credit System Institutions, 12 CFR Part 615.
2. Proposed Capital Adequacy Related Regulations, 12 CFR Part 615, Subparts I, J, K, L, M and N.
3. Final Rule Regarding Special Committee on Merger of Farm Credit Banks, 12 CFR Part 611.
4. Proposed Salary Range for the National Bank for Cooperatives.

### \*Closed Session

5. Proposed CEO Compensation for the Jackson Bank for Cooperatives.
6. Examination and Enforcement Matters.

Dated: July 25, 1988.

David A. Hill,

Secretary, Farm Credit Administration Board.  
[FR Doc. 88-17023 Filed 7-25-88; 4:03 pm]

BILLING CODE 6705-01-M

\* Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(4), (6), (8), and (9).

## FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

**TIME AND DATE:** 11:00 a.m., Monday, August 1, 1988.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

1. Policy proposals regarding a drug testing program. (This item was originally announced for a closed meeting on July 27, 1988.)
2. Proposed amendment to the Federal Reserve System Life and Survivor Income Insurance Plan.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. Any items carried forward from a previously announced meeting.

### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: July 22, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-16943 Filed 7-22-88; 5:03 pm]

BILLING CODE 6210-01-M

## FEDERAL TRADE COMMISSION

**TIME AND DATE:** 10:00 a.m., Tuesday, July 26, 1988.

**PLACE:** Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

**STATUS:** Open.

### MATTER TO BE CONSIDERED:

Consideration of general budget matters.

### CONTACT PERSON FOR MORE INFORMATION:

Susan B. Ticknor, Office of Public Affairs; (202) 326-2179; Recorded Message: (202) 326-2711.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 88-16992 Filed 7-25-88; 1:22 pm]

BILLING CODE 6750-01-M



**FEDERAL TRADE COMMISSION**

**TIME AND DATE:** 10:00 a.m., Wednesday, July 27, 1988.

**PLACE:** Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

**STATUS:** Open.

**MATTER TO BE CONSIDERED:**

Consideration of Commission Policy On the Duration and Termination of Commission Orders.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Susan B. Ticknor, Office of Public Affairs: (202) 326-2179; Recorded Message: (202) 326-2711.

Benjamin I. Berman,

*Acting Secretary.*

[FR Doc. 88-16993 Filed 7-25-88; 1:22 pm]

BILLING CODE 6750-01-M

**FEDERAL TRADE COMMISSION**

**TIME AND DATE:** 2:00 p.m., Thursday, July 28, 1988.

**PLACE:** Room 532 (open); Room 540 (closed), Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

**STATUS:** Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:**

Portions Open to Public

(1) Oral Argument in Boise Cascade, Docket 9133.

Portions Closed to the Public

(2) Executive Session to follow Oral Argument in Boise Cascade, Docket 9133.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Susan B. Ticknor, Office

of Public Affairs: (202) 326-2179; Recorded Message: (202) 326-2711.

Benjamin I. Berman,

*Acting Secretary.*

[FR Doc. 88-16994 Filed 7-25-88; 1:22 pm]

BILLING CODE 6750-01-M

**INTERNATIONAL TRADE COMMISSION**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 53 FR 26557—dated July 13, 1988.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 10:00 a.m., Friday, July 22, 1988.

**CHANGE IN TIME OF THE MEETING:** 11:00 a.m., Friday, July 22, 1988.

Notice is given that the Commission meeting previously announced as beginning at 10:00 a.m., on July 22, 1988, will begin at 11:00 a.m. instead, in conformity with 19 CFR 201.37(b). Commissioners Brunsdale, Eckes, Liebler, Lodwick, Rohr, and Cass determined that Commission business required the change in time of the meeting on July 22, 1988, and affirmed that no earlier announcement of the change to the time was possible, and directed the issuance of this notice at the earliest practicable time.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Kenneth R. Mason, Secretary, (202) 252-1000.

Kenneth R. Mason,

*Secretary.*

July 15, 1988.

[FR Doc. 88-16955 Filed 7-22-88; 5:06 pm]

BILLING CODE 7020-02-M

**INTERNATIONAL TRADE COMMISSION**

**TIME AND DATE:** Thursday, August 4, 1988 at 3:00 p.m.

**PLACE:** Room 101, 500 E Street, SW., Washington, DC 20436.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:**

1. Agenda

2. Minutes
3. Ratifications
4. Petitions and Complaints
5. Inv. 701-TA-289 (Final) and 731-TA-381 and 382 (Final) (Certain Granite from Italy and Spain)—briefing and vote.
6. Any items left over from previous agenda.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Kenneth R. Mason, Secretary, (202) 252-1000.

Kenneth R. Mason,

*Secretary.*

July 18, 1988.

[FR Doc. 88-16956 Filed 7-22-88; 5:06 pm]

BILLING CODE 7020-02-M

**NATIONAL TRANSPORTATION SAFETY BOARD**

**TIME AND DATE:** 9:30 a.m. Tuesday, August 2, 1988.

**PLACE:** Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. Aircraft Accident Report: Fischer Bros. Aviation, Inc. d/b/a Northwest Airlink Flight 2268, Construcciones Aeronauticas, S.A. (CASA) C-212-CC, N160FB, Detroit Metropolitan Wayne County Airport, Romulus (Detroit), Michigan, March 4, 1987.
2. Aircraft Accident Report: Executive Air Charter, Inc., d/b/a American Eagle, Flight 5452, CASA C-212-CC, N432CA, Mayaguez, Puerto Rico, May 8, 1987.
3. Briefs of Aviation Accidents: 1987 Randomly Selected Field/ Limited/ Incident Investigations.

**FOR MORE INFORMATION CONTACT:** Bea Hardesty, (202) 382-6525.

Bea Hardesty,

*Federal Register Liaison Officer.*

July 22, 1988.

[FR Doc. 88-16944 Filed 7-22-88; 5:03 pm]

BILLING CODE 7533-01-M



# Export Trade Review

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Wednesday  
July 27, 1988

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## Part II

### Department of Commerce

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International Trade Administration

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Export Trade Certificate of Review;  
Notice of Application



## DEPARTMENT OF COMMERCE

## International Trade Administration

## Export Trade Certificate of Review

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Application.

**SUMMARY:** The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the certificate should be issued.

**FOR FURTHER INFORMATION CONTACT:**

John E. Stiner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the *Federal Register* identifying the applicant and summarizing its proposed export conduct.

**Request for Public Comments**

Interested parties may submit written comments relevant to the determination whether the certificate should be issued. An original and five (5) copies should be submitted not later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should reference the application number provided in the application summary. The following is a summary of the application.

**Summary of Application**

**Applicant:** National Tooling and Machining Association, 9300 Livingston Road, Ft. Washington, Maryland 20704, Contact: James R. Atwood, Telephone: 202/662-6000

**Application #:** 88-00012

**Date Deemed Submitted:** July 20, 1988

**Members:** (see Appendix)

**Export Trade**

**1. Products**

Products of the contract tooling and machining industry including special tools, dies, jigs and fixtures (SIC 3544), machine tool accessories (SIC 3545), metalworking machinery not elsewhere classified (SIC 3549), special industry machinery not elsewhere classified (SIC 3559), industrial patterns (SIC 3565), general industrial machinery not elsewhere classified (SIC 3569), precision machined parts, and machinery, except electrical, not elsewhere classified (SIC 3599).

**2. Services and Technology**

Engineering, design, and related services related to Products and to turn-key contracts that substantially incorporate Products; servicing of Products; training with respect to the use of Products; technology licensing related to the manufacture and use of Products.

**3. Export Trade Facilitation Services (as they relate to the export of Products, Services, and Technology)**

Consulting; international market research; marketing and trade promotion; trade show participation; insurance; legal assistance; transportation; trade documentation and freight forwarding; communication and processing of export orders; warehousing; foreign exchange; financing; and taking title to goods.

**Export Markets**

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

**Export Trade Activities and Methods of Operation**

**1. National Tooling and Machining Association ("NTMA") and/or one or more of its Members may:**

a. Engage in joint bidding or other joint selling arrangements for Products, Services, and/or Technology in Export Markets and allocate sales resulting from such arrangements;

b. Establish export prices for sales of Products, Services, and/or Technology by the Members in Export Markets, with each Member being free to deviate from

such prices by whatever amount it sees fit;

c. Discuss and reach agreements relating to interface specifications and engineering requirements demanded by specific potential customers for Products for Export Markets;

d. With respect to Products, Services, and/or Technology, refuse to quote prices for, or to market or sell in, Export Markets;

e. Provide and/or jointly negotiate for and purchase from Suppliers Export Trade Facilitation Services for Members;

f. Solicit non-member Suppliers to sell their Products, Services, and/or Technology or offer their Export Trade Facilitation Services through the certified activities of NTMA and/or its Members;

g. Coordinate with respect to the installation and servicing of Products in Export Markets, including the establishment of joint warranty, service, and training centers in such markets;

h. License associated Technology rights in conjunction with the sale of Products, but in all instances the terms of such licenses shall be determined solely by negotiations between the licensor Member and the export customer without coordination with NTMA or any other Member;

i. Engage in joint promotional activities, such as advertising and trade shows, aimed at developing existing or new Export Markets;

j. Bring together from time to time groups of Members to plan and discuss how to fulfill the technical Product, Service, and/or Technology requirements of specific export customers or Export Markets; and

k. Operate and establish jointly owned subsidiaries or other joint venture entities, owned exclusively by Members, to export Products to Export Markets, operate warranty, service, and training centers in Export Markets, and provide Export Trade Facilitation Services to Members.

**2. NTMA and/or its Members may enter into agreements wherein NTMA and/or one or more Members agree to act in certain countries or markets as the Members' exclusive or non-exclusive Export Intermediary for Products, Services and/or Technology in that country or market. In such agreements, (i) NTMA or the Member(s) acting as an exclusive Export Intermediary may agree not to represent any other Supplier for sale in the relevant country or market, and (ii) Members may agree that they will export for sale in the relevant country or market only through NTMA or the Member(s) acting as**



exclusive Export Intermediary, and that they will not export independently to the relevant country or market, either directly or through any other Export Intermediary.

3. NTMA and/or its Members may exchange and discuss the following types of information:

a. Information that is already generally available to the trade or public;

b. Information about sales and marketing efforts for Export Markets; activities and opportunities for sales of Products and Services in Export Markets; selling strategies for Export Markets; pricing in Export Markets; projected demands in Export Markets; customary terms of sale in Export Markets; the types of Products available from competitors for sale in particular Export Markets, and the prices for such Products; and customer specifications for Products in Export Markets;

c. Information about the export prices, quality, quantity, source, available capacity to produce, and delivery dates of Products available from Members for export, provided, however, that exchanges of information and discussions as to Product quantity, source, available capacity to produce Products, and delivery dates must be on a transaction-by-transaction basis only and shall relate solely to Products intended for or available for export;

d. Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by NTMA and its Members;

e. Information about joint bidding, selling, or servicing arrangements for Export Markets and allocation of sales resulting from such arrangements among the Members;

f. Information about expenses specific to exporting to and within Export Markets, including without limitation transportation, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes;

g. Information about U.S. and foreign legislation and regulations affecting sales in Export Markets; and

h. Information about NTMA's or its Members' export operations, including without limitation sales and distribution networks established by NTMA or its Members in Export Markets, and prior export sales by Members (including export price information).

4. NTMA may provide its Members or other Suppliers the benefit of any Export Trade Facilitation Services to facilitate the export of Products to Export Markets. This may be accomplished by

NTMA itself, or by agreement with Members or other parties.

5. NTMA and/or its Members may meet to engage in the activities described in paragraphs one through four above.

6. NTMA and/or its Members may refuse to provide Export Trade Facilitation Services, or participation in the other activities described in paragraphs one through five above, to non-members.

7. NTMA and/or its Members may forward to the appropriate individual Member requests for information received from a foreign government or its agent (including private pre-shipment inspection firms) concerning that Member's domestic or export activities (including prices and/or costs), and if such individual Member elects to respond, it shall respond directly to the requesting foreign government or its agent with respect to such information.

#### Definitions

1. "Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. "Members" means those member companies of NTMA listed in Appendix A to this notice, which is incorporated herein by reference, and those member companies of NTMA subsequently incorporated in the certificate pursuant to the amendment procedures set forth below.

New NTMA members, and current NTMA members not listed in Appendix A, may be incorporated in the certificate through an abbreviated amendment procedure described below. An abbreviated amendment shall consist of a written notification to the Department of Commerce and the Department of Justice identifying the NTMA members that desire to become a Member under the certificate pursuant to the abbreviated amendment procedure, and certifying for each such NTMA member the number of its employees. Notice of the members so identified shall be published in the *Federal Register*. However, NTMA may withdraw one or more individual members from the application for the abbreviated amendment. If 30 days or more following publication in the *Federal Register*, the Secretary of Commerce, with the concurrence of the Attorney General, determines that the incorporation in the certificate of these members through the abbreviated amendment procedure is consistent with the standards of the Act, the Secretary of Commerce shall amend

the certificate of review to incorporate such members, effective as of the date on which the application for amendment is deemed submitted. If the Secretary of Commerce does not within 60 days of publication in the *Federal Register* so amend the certificate of review, such amendment must be sought through the non-abbreviated amendment procedure.

3. "Supplier" means a person who produces, provides, or sells a Product, Service, Technology, and/or Export Trade Facilitation Services, whether a Member or non-member.

Date: July 20, 1988.

John E. Stiner,

Director, Office of Export Trading Company Affairs.

#### APPENDIX

##### Members of Applicant

A & A Grinding Service & Mfg. Co.; A & A Machine Shop, Inc.; A & B Industries, Inc.; A & B Machine; A & B Machine Shop; A & B Tool & Manufacturing Corp.; A & E Manufacturing Corp.; A & E Tool & Die Company; A & H Machine & Tool Company; A & J Enterprises, Inc.; A & K Screw Machine, Inc.; A & M Aircraft; A & M Tool & Die Company, Inc.; A & S Tool & Die Company, Inc.; A to Z Tool & Machine Company; A A A Tool & Die Company, Inc.; A A Engineering Corporation; A A Precision Engineering, Inc.; A B & S Tool & Die Company, Inc.; A B A Industries; A B A Tool & Die Company, Inc.; A B C Manufacturing; A B C O Tool & Die, Inc.; A B R Enterprises; A C Engineering; A C Machine & Manufacturing; A C Machine, Inc.; A C S Tool Company, Inc.; A C Tool & Machine Company; A E Cole Die & Engraving; A E Machine Works, Inc.; A F & G Tool & Die Company; A F C Tool Company, Inc.; A G A Precision, Inc.; A Hardman Machine Company, Inc.; A I Network Corporation; A I P, Inc.; A J & L Tool & Die Company; A L Industries, Inc.; A M & T A M C Precision, Inc.; A M I Industries, Inc.; A M Industries, Inc.; A M Machine Company, Inc.; A M Precision Machining, Inc.; A P Products Company; A R Industries, Inc.; A S C Corporation; A T G, Inc.; A W S Industries, Inc.; A C Welding Company; A. F. Roberts, Inc.; A-G Tool & Die; A-Line Tool & Die; A-Quality Machine Products; A-Tron Corporation; A-W Engineering Company, Inc.; A-1 Tool Division (Division of Lovejoy Industries, Inc.); Abbott Machine & Tool, Inc.; Abbott Tool, Inc.; Ability Tool Company; Able Fabricating & Company; Abrams Airborne Manufacturing, Inc.; Absolute Manufacturing; Absolute Precision;



Accon Inc.; Accraline, Inc.; Accro Tool Enterprises; Accu-Prompt Manufacturing; Accu-Roll, Inc.; Accu-Tech, Inc.; Accudynamics, Inc.; Accudyne Corporation; Accumet, Inc.; Accurate Grinding Corporation; Accurate Industrial Machining, Inc.; Accurate Machine & Tool Company; Accurate Machine Tool, Inc. (Division of G&S Machine Tool Co.); Accurate Machine, Inc.; Accurate Manufacturing Company; Accurate Tool Steel, Inc.; Accurite Precision, Inc.; Accutronics, Inc.; Ace Machine Company, Inc.; Ace Precision Industries, Inc.; Ace Precision, Inc.; Ace Specialty Company, Inc.; Ace Tool & Machine, Inc.; Ace Tool & Manufacturing Co., Inc.; Acme Grinding Service, Inc.; Acme Grinding, Inc.; Acra Machine and Engineering, Inc.; Acraloc Corporation; Acro Industries, Inc.; Acro Tool & Die Company, Inc.; Acrodie, Inc.; Actco Tool & Manufacturing Company; Action Die & Tool Inc.; Action Tool & Die; Action Tool & Die Engineering; Active Tool Company; Acu Cut/Pa, Inc.; Accut, Inc.; Adams Engineering, Inc.; Adams Machine Shop; Adams Russell Electronics; Adams Tool & Engineering, Inc.; Adapto, Inc.—Arizona Division (Division of Adapto, Inc.); Adapto, Inc.; Adelmeyer Tool, Inc.; Adept Manufacturing, Inc.; Admar Mold & Engineering, Inc.; Admiral Engineering & Manufacturing; Adron Tool Corporation; Advance Gear & Machine Corp.; Advance Tool & Die Company; Advance Tool Company, Inc.; Advanced Machine Programming; Advanced Machine Service; Advanced Machine Works, Inc.; Advanced Machining Technology, Inc.; Advanced Mold & Tool; Advanced Mold Technology, Inc.; Advanced Products Company; Advanced Techniques Burring, Inc.; Advanced Technologies, Inc.; Advanced Tool & Design, Inc.; Advantage Mold & Design; Advent Tool & Mold Company; Aer-O-Dyne Manufacturing Company; Aerex Manufacturing, Inc.; Aero Components Company; Aero Gear, Inc.; Aero Manufacturers, Inc. (Division of Fleetwood Machine Products, Inc.); Aero Mechanical Engineering, Inc.; Aero Space Engineering, Inc.; Aero Spring & Manufacturing Co., Inc.; Aerodynamic Engineering, Inc.; Aerofab, Inc.; Aeromold Plastics, Inc.; Aerostar Aerospace Manufacturing; AeroSpace Metalmasters, Inc.; Aetna Machine Company; Aggressive Engineering Corp.; Agio Precision Industries, Inc.; Ahaus Tool Company, Inc.; Aide, Inc.; Aim Incorporated; Aimco Precision, Inc.; Aircraft Standards, Inc.; Aircraft Welding & Manufacturing; Airmis Manufacturing, Inc.; Ajax Tool, Inc.; Akromold, Inc.; Akron Steel Fabricators

Company; Akron Tool & Die Company, Inc.; A1-Tech; Al's Tool & Die Enterprises; Alabama Tool Company, Inc.; Alart Tool & Die, Inc.; Albert Tool & Die Company, Inc.; Albertson & Hein, Inc.; Albion Machine & Tool Company; Albrecht Tool Die & Manufacturing; Alco Machine Corporation; Alco Manufacturing, Inc.; Aldan, Inc.; Alfa Foundry, Inc.; Alfa Machine & Tool Company, Inc.; Alfred Manufacturing Company; Alfro Custom Manufacturing; Alger Machine Company, Inc.; Alkron Manufacturing Corporation; All Five Tool Company, Inc.; All Mold, Inc.; All Tech Machine & Tool; All Tool Company; All Tools Company; All-Con Tool & Mold, Inc.; All-Pro Machine Company, Inc.; All-Tech Machine & Eng., Inc.; Allegheny Tool & Manufacturing Co.; Allen Aircraft Products, Inc.; Allen Precision Machining Company; Allen-Leonard Industries, Inc.; Alliance Carolina Tool & Mold (Division of Gleason Corporation); Allied Atlantic Industries, Inc.; Allied Mechanical Products; Allied Screw Products, Inc.; Allied Tool & Die Company; Allied Tool & Die, Inc.; Allied Tool & Machine Company; Allied Tools Of Texas; Allis Tool & Machine Corporation; Allmandinger, Inc.; Alloy Machine & Tool Company, Inc.; Alloy Metal Products; Alloy Tool & Machine, Inc.; Alloy Tool and Engineering; Allstate Tool & Die, Inc.; Almar Mfg. & Engineering, Inc.; Alpha Centerless Products; Alpha Precision Machine Works; Alpha Tool & Machine Company; Alpine Manufacturing, Inc.; Alpine Tool & Die; Alton Products, Inc.; Alton Tool Company, Inc.; Alumni Tool & Die, Inc.; Alves Precision Engineered Products; Amalar; Ambox, Inc.; Ambritt Corporation; American Dies, Inc.; American EDM & Tooling, Inc.; American Engraving, Inc.; American Gear & Supply Co., Inc.; American Heller Corporation; American Machine & Gun Drilling, Inc.; American Machine & Supply, Inc.; American Metric Engineering, Inc.; American Micro Products, Inc.; American Mold & Engineering Company; American Mold Corporation; American Precision Machining, Inc.; American Production & Grinding; American Tool & Die; American Tool & Die, Inc.; American Tool & Engineering Company; American Tool & Gauge; American Tool Company; Ameritec Manufacturing Corporation; Ameritech Die & Mold, Inc.; Amherst Tool & Automation; Amity Mold Company; Amkay Machine Products; Amrein Machine Shop, Inc.; Anchor Tool & Die Company; Anco Tool & Die Company, Inc.; Ander Mel, Inc.; Anderson Automatics, Inc.; Anderson

Machine; Anderson Machine & Tool; Anderson Precision, Inc.; Anderson Tool & Engineering Company; Andrews Machine Works; Angermeier Industries, Inc.; Animatics Corporation; Anoco Tool & Manufacturing Co., Inc.; Anoplate Corporation; Anro Metals Manufacturing; Anthony Machine; Apex Corporation; Apex Machine Tool Company, Inc.; Apex Tool & Manufacturing, Inc.; Apollo E.D.M. Company; Apollo Precision, Inc.; Apollo Tool Corporation; Aponte Tool & Manufacturing, Inc.; Applied Engineering, Inc.; Applied Machine Technologies, Inc.; Applied Mechanical Energy; Applied Tool & Die Company; Arco Industries, Inc.; Arco Metals Corporation; Aremco, Inc.; Argo Tool Corporation; Argus Manufacturing Company; Aries Industries; Aries Tool, Inc.; Arizona Carbide Tools, Inc.; Arizona Custom Manufacturing; Arizona Plasma Welding; Arkansas Tool & Die; Arlington Machine & Tool Company; Arma Tool & Die Company, Inc.; Armin Tool & Manufacturing Co. Inc.; Armstrong Pattern & Mold Corp.; Armstrong Technology, Inc.; Arnold Gauge Company; Arro Tool & Die, Inc.; Arrow Grinding, Inc.; Arrow Precision Manufacturing Corp.; Arrow Tool & Gauge Company; Arrow Tool, Inc.; Arrowsmith Tool & Die; Art Precision Metal Products, Inc.; Artel Tool Company; Arthur J. Evers Corporation; Artisan Tool & Die Corporation; Artvic, Inc.; Ash Machine Corporation; Asheboro Mold & Design, Inc.; Ashlin Associates, Inc.; Asmat, Inc.; Associated Design & Manufacturing; Associated Electro-Mechanics, Inc.; Associated Machine Company, Inc.; Associated Machine Technology; Associated Machinecraft Corporation; Associated Tool Company, Inc.; Astra Tool & Instrument, Corp.; Astro Machine Works Inc.; Atec Tool & Engineering; Atec, Inc.; Athens Industries; Athens Tool & Die, Inc.; Atkins Tool Company; Atlantic Aircraft Tool Company; Atlantic Alloys, Inc.; Atlantic Tool & Die Company; Atlas Die & Manufacturing Company; Atlas Machine & Supply, Inc.; Atlas Machine Company, Inc.; Atlas Machine, Inc.; Atlas Tool, Inc.; Atols Tool & Mold Corporation; Attra Industries, Inc.; Atwood Tool & Die, Inc.; Aul in the Family Tool & Die, Inc.; Austin Continental Industries, Inc.; Austin Dies, Inc.; Austin Precision Tool Company; Austinburg Machine, Inc.; Austro Mold, Inc.; Autodie Corporation; Automate Associates, Inc.; Automated Tool & Manufacturing; Automatic Precision Welding and Fabricating, Inc.; Automation Tool & Die, Inc.; Automation Tool Company; Autrey



Steel & Machine; Avant Tool & Die, Inc.; Avion Tool Corporation; Avion Tool Manufacture; Axis Precision Industries; Ay Machine Tool & Die, Inc.; Ayers Gear & Machine; Azbill Tool & Die, Inc.; AM-Tec, Inc.; B & A Design; B & B Machine & Grinding Service; B & B Manufacturing Company; B & B Precision Tools, Inc.; B & B Precision, Inc.; B & B Tool & Die Company, Inc.; B & B Tool & Die, Inc.; B & B Tool Company; B & E Tool & Mfg. Co., Inc.; B & E Tool Company, Inc.; B & G Machine Company; B & G Machine Products; B & G Quality Machine & Tool; B & G Tool & Die Company, Inc.; B & H Machine, Inc.; B & H Tool & Machine Corporation; B & L Tool & Machine Company; B & R Gear Company; B & R Machine & Tool Corporation; B & T Tool & Die Company; B & W Tool & Die, Inc.; B & Z Manufacturing Company; B A K Precision Industries; B F Industries, Inc.; B G Instrument Corporation; B H Aircraft Company, Inc.; B H Instrument Company, Inc.; B I K Corporation; B J Williams Co.; B T & M; B Z Engineering; B. Radtke & Sons, Inc.; B. T. C. Production; B-W Grinding Service, Inc.; Babbitt Bearing, Inc.; Bachman Machine Company, Inc.; Bachmann Precision Machine; Badger Tool & Die; Bahrs Die & Stamping Company; Bailey Tool & Manufacturing Company; Bair Tool & Mold, Inc.; Baker Hill Industries, Inc.; Baker Machine & Tool; Ballard Machine Tool Service; Ballos Precision Machine; Banbury Precision; Banner Machine Company, Inc.; Banner Tool & Die, Inc.; Barco Manufacturing, Inc.; Barlag Tool; Barroncast, Inc.; Barton Tool Engineering; Basic Industries; Basic VI; Basil-Walker Tool Company, Inc.; Basilius Tool Co.; Bassett Tool & Machine; Bateman Manufacturing Co., Inc.; Baumann Engineering; Baumbach Machine, Inc.; Bawden Industries, Inc.; Bay Bar Products, Inc.; Bay City Boring & Machine; Bay Swiss Manufacturing Co., Inc.; Baytown Ace Machine Company, Inc.; Beacon Tool Company, Inc.; Beamco, Inc.; Beaulieu Tool & Die Co., Inc.; Beaver Tool & Machine Company; Bechdon Company, Inc.; Bechler Cams, Inc.; Becker, Inc.; Becksted Machine Shop; Beckwith Grinding, Inc.; Behrens Manufacturing, Inc.; Bel-Kur; Bel-Mar Products Corporation; Belgian Screw Machine Products, Inc.; Bell Engineering, Inc.; Bell Tool, Inc.; Ben-Mer Tool & Machine; Benda Tool & Model Works; Bender Machine, Inc.; Bendon Gear & Machine; Bennett Tool & Die Company; Berg Tool & Machine Company, Inc.; Berkshire Industries, Inc.; Berlin Manufacturing Co., Inc.; Bernal Rotary Systems, Inc.; Bernhard Knust Company, Inc.; Bertram

Tool & Machine Co., Inc.; Beryllium Manufacturing Company; Bess TESTLAB INC.; Best Industries, Inc.; Best Tool & Manufacturing Co., Inc.; Beta Machine & Tool Company; Biggs Tool & Die; Bilar Tool & Die Corporation; Billet Tool; Birmingham Benders Company; Blackburn Instrument Company; Blackhawk Metal Products, Inc.; Blacklick Machine Company, Inc.; Blanchard Grinding Service, Inc.; Blanchard Metals Processing Company; Blanda, Incorporated; Blandford Machine & Tool Co., Inc.; Blitz Tool & Die; Blue Chip Mold; Bob's Tool & Cutter Grinding, Inc.; Bodine Tool & Machine Company; Bogden Company; Boice Industrial; Bollinger Tool & Die, Inc.; Boos Product; Bordo Mold & Machine, Inc.; Boring Machine Corp.; Boring, Inc.; Bosma Machine & Tool Corporation; Boss Tool & Mfg.; Boston Centerless, Inc.; Bowen & Company, Inc.; Bowers Machine Co.; Bowes Machine, Inc.; Boyd Machine Company; Boyle, Inc.; BoMar Machine; Bra-Vor Tool & Die Company, Inc.; Bradenton Tool & Machine; Bradhart Products, Inc.; Bradley Service Company; Breeze's Precision Boring Company; Brettrager Manufacturing Company; Bridean Machine & Tool Co., Inc.; Brighton N C Machine Corporation; Brimfield Precision, Inc.; Brinkman Tool & Die, Inc.; Bristol Instrument Gears, Inc.; Broadway Mold & Tool, Inc.; Brodbeck Tool & Machine Company; Brogdon Tool & Die, Inc.; Bronner Manufacturing & Tool Co.; Brookfield Industries, Inc.; Brooklyn Scraping & Re-Machining, Inc.; Brown Industries, Inc.; Brown Manufacturing Company, Inc.; Brown Production, Inc.; Brown-Covey, Inc.; Bruce Machine & Tool Co., Inc.; Buchanan Products, Inc.; Buckeye Die & Engineering; Budney Company, Inc.; Budney Industries; Buehrle Engineering Company; Buena Park Tool & Engineering; Buerk Tool & Machine Corporation; Buitert Tool & Die, Inc.; Bulgrin Mold & Machine; Burch Machine, Inc.; Burckhardt America, Inc.; Burco Precision Products; Burger Engineering, Inc.; Burgess Brothers, Inc.; Burke Industries; Burke Manufacturing, Inc.; Burrowes Research Machining, Inc.; Burton Industries; Busler's Machine Company; Busy-Bee Tooling; Bylsma Tool, Inc.; C & C Machining Company; C & C Manufacturing Company; C & C Manufacturing Corporation; C & D Engineering Company; C & G Machine & Tool; C & J Industries; C & M Machine Products, Inc.; C & R Manufacturing, Inc.; C & S Machine Products; C and L Custom Tooling; C A C Tool Corporation; C A D Enterprises; C A R Enterprises, Inc.; C A Spalding

Company; C B Enterprises; C B Gear & Machine, Inc.; C B Kaupp & Sons, Inc.; C B S Boring & Machine Co., Inc.; C B S Manufacturing Company, Inc.; C D M Tool & Manufacturing Co., Inc.; C H W Precision Machining, Inc.; C J Grinding, Inc.; C J R Manufacturing Company, Inc.; C J Winter Machine Works; C L Precision Machine & Tool Co.; C M Grinding, Inc.; C M Smillie & Company; C N C Engineering; C N C Precision; C N C Precision Machining, Inc.; C P M Division (Division of Columbus Standard, Inc.); C R B Manufacturing, Inc.; C R E Enterprises; C T D Machines, Inc.; C T M, Inc.; C V Tool Company, Inc.; C. A. P. Tool & Mfg. Co., Inc.; C. C. Tool & Engineering; C. G. Tech, Inc.; C. M. I. Product Development; C. M. R. Engineering; Cain Machine Company; Cal-Disc Grinding Company; Cal-Matic, Inc.; Calcortec, Inc.; California Fineblanking Corporation; California Gundrilling, Inc.; California Reamer Company; Calx, Inc.; Cam Basic; Cambridge Special; Cambridge Tool & Die Corp.; Cambridge Tool & Manufacturing Co.; Camco Manufacturing, Inc.; Campbell Grinding & Machine, Inc.; Campbell Machinery, Inc.; Camtec, Inc.; Canan Mold, Inc.; Canto Tool Corporation; Capital Tool Company; Capitol Engineering Company; Capitol Technologies; Capitol Tool & Die Company; Capitol Tool & Die, Inc.; Car-Gor Tool & Die; Caran Precision Engineering & Manufacturing; Carbide Products Company; Cardinal Machine Company; Cardinal Machine Company, Inc.; Carius Tool Company, Inc.; Carl Machine Company, Inc.; Carl Rogers; Carl's Machine, Inc.; Carlin Machine Company, Inc.; Carlson Capital Manufacturing Co.; Carlson Tool & Manufacturing Corp.; Carlson-Rockford, Inc.; Carr Cylinder Company; Carr Lane Manufacturing Company; Carr Machine Company; Carr Tool & Machine Company, Inc.; Cascade Mold & Die, Inc.; Cass Screw Machine Products Company; Catalina Tool & Mold, Inc.; Caval Tool & Machine Company; Cedar CNC Machining, Inc.; Centaur Tool & Die, Inc.; Centennial Tool Manufacturing; Centennial Tool, Inc.; Center Line Machine Company; Center Line Tool; Centerline Precision Machining; Centerline Tool & Die Company; CenterLine Industries, Inc.; Centex Machining, Inc.; Central Machining Specialties, Inc.; Central States Machine Service; Central Tool Company, Inc.; Central Tool Works, Inc.; Centurion Manufacturing; Century Machine Company, Inc.; Century Mold Company, Inc.; Century Tool & Gage Company; Century Tool & Manufacturing Co.; Century Tool and



Design, Inc.; Certified Aerospace; Certified Grinding & Machine, Inc.; Certified Industries, Inc.; Champion Tool & Die Company; Chapman Engineering, Inc.; Charian Machine & Manufacturing; Charles Meisner, Inc.; Charlotte Cutting Tool; Charlotte Machine Company; Charlton Engineering Corporation; Chase Machine Company, Inc.; Check-Mate Industries; Checker Machine, Inc.; Chelar Tool & Die, Inc.; Chesco Products; Chicago Mold Engineering, Inc.; Chippewa Tool & Manufacturing Co.; Chris Papas Precision Company; Christon Grinding Company; Christopher Tool & Manufacturing; Circle-K-Industries; City Machine Tool & Die Co., Inc.; Clarich Mold Corporation; Clark Manufacturing Company; Clark Metal Products Company; Clark-Henry Company, Inc.; Classic Die, Inc.; Classic Mold Design; Cleveland Metal Products; Cleveland Mold & Die, Inc.; Cleveland Punch & Die Company; Cliffdale Manufacturing Company; Clifford H. Jones, Inc.; Clifford Manufacturing Company; Clifton Automatic Screw; Cling's Machine And Stamping; Cloud Company; Co-Op Machine & Tool; Coast Cutters Company; Cobak Tool & Manufacturing Company; Coffey Associates; Coleman Corporation; Collins Instrument Company; Collins Machine & Tool; Colmar Corporation; Colonial Machine Company; Colorado Surface Grinding; Columbia Research & Development (Division of Ludlow Industries, Inc.); Columbia Screw Co., Inc.; Com-Tal Southwest, Inc.; Com-Tal, Inc.; Combined Metals Company; Comet Tool, Inc.; Command Corporation International; Commerce Grinding, Inc.; Commercial Kellering, Inc.; Commercial Machine, Inc.; Commercial Manufacturing Corp.; Commercial Tool & Die Company; Commonwealth Machine Co., Inc.; Commonwealth Technology; Compacting Tooling, Inc.; Companion Industries, Inc.; Competition Tooling, Inc.; Complex Tooling, Inc.; Component Engineers, Inc.; Compositdie, Inc.; Composite Machine & Tool; Composite Mold Corporation; Compu Die, Inc.; Computer Wire EDM Corporation; Computerized Machining Services, Inc.; Concept Tool & Die Company; Conco Systems, Inc.; Condor Tool & Die; Coney Tool and Cutter Grinding; Conn Dee Industrial; Connecticut Jig Grinding, Inc.; Connecticut Tool & Manufacturing; Connell Tool Company; Connolly Tool & Machine Company; Conover Machine & Design, Inc.; Consolidated Mold & Manufacturing, Inc.; Conti Tool & Die Company; Continental Microwave and Tool Co., Inc.; Continental Mold & Tool, Inc.; Continental Precision, Inc.;

Continental Tool & Machine; Continental Tool & Manufacturing, Inc.; Contour Mold, Inc.; Contract Products; Controlled Turning, Inc.; Converse, Inc.; Convex Mold, Inc.; Cook Manufacturing; Cook Tool & Die Co.; Cooney Tool, Inc.; Copa Tool, Inc.; Cordell Machine Corporation; Coronado Machine, Inc.; Correa Machine & Tool Company, Inc.; Correll Manufacturing; Corrigan Manufacturing Co., Inc.; Country Machine & Tool, Inc.; Cox Machine Company, Inc.; Cox Tool Company, Inc.; Coy Machine Company; Craft Tool & Die Company, Inc.; Craftech E D M Company; Crafts Company, Inc.; Craftsman Tool & Mold Company; Cramers Precision Grinding, Inc.; Cranston Centerless Grinding; Crawford Tool & Die; Creative Machine Products; Creative Tool Company; Crest Manufacturing Company; Criterion Tool & Die; Cross Road Machine Shop; Crossland Machinery; Crown Mold & Machine, Inc.; Crown Tool & Die Company; Crownel Corporation; Crush Master Grinding Corporation; Crystal Die Mold, Inc.; Cumberland Tool & Die, Inc.; Curio Precision Tool & Machine; Cust-M-Thread Grinding; Custom Engineering, Inc.; Custom Etch Inc.; Custom Jig Grinding, Inc.; Custom Machine, Inc.; Custom Machining, Inc.; Custom Metal Products Corporation; Custom Mold & Design; Custom Tool & Design, Inc.; Custom Tool & Die, Inc.; Custom Tool & Manufacturing Company; Cyma Tool Corporation; Cypress Tool & Die Company, Inc.; D & B Industries, Inc.; D & H Manufacturing Company; D & J Precision Machining, Inc.; D & L Tool, Inc.; D & M Products; D & S Manufacturing Corporation; D A K Tool Company, Inc.; D C Design, Inc.; D C Machine Shop; D F M Corporation; D M C International, Inc.; D M Machine Company, Inc.; D S Greene Company, Inc.; D S Machine; D S Manufacturing, Inc.; D. M. M. Manufacturing; D-K Manufacturing Corporation; D-S Machine Tool & Development; D-Velco; D/A Machine Products; Dadeks Machine Works Corporation; Daily Industrial Tools; Daley Design & Mfg., Inc.; Damen Tool & Engineering Co., Inc.; Danco Precision, Inc.; Danly Die Set; Danly Die Set Division (Division of Avondale Industries); Dap Tool & Mold Inc.; Dar Machine & Manufacturing, Inc.; Darotek, Inc.; Darr Industries, Inc.; Dass Machine, Inc.; Dauntless Molds, Inc.; David Barnes Company; David Engineering & Manufacturing; Dayton Drill Bushing Company; Dayton Progress Corporation; Dayton Reliable Tool; Dayton Tool Company, Inc.; Dayton Wireburn, Inc.; De Hoff Tool & Die Co., Inc.; De Long Manufacturing; Deck

Brothers, Inc.; Deck Machine & Tool; Deep South Automotive, Inc.; Deephole Machine Company; Deeter's Tool & Manufacturing, Inc.; Degele Manufacturing, Inc.; Dekalb Tool & Die, Inc.; Del Packaging Inc.; Delaware Machinery & Tool Co., Inc.; Dellacor Company, Inc.; Delltronics, Inc.; Delp Corporation; Delta Machine & Tool; Delta Machining, Inc.; Delta Precision Tool & Instruments; Delta Systems, Inc.; Delta Tool & Die Company; Delta X Corporation; Deltec, Inc.; Delto Tool Company; Demach Industries, Inc.; Demark Industries, Inc.; Demmer Corporation; Demps Saw & Tool Company, Inc.; Denby Mold Company; Dependable Tool & Die; Dependable Tool & Manufacturing Co.; Desert Precision Mfg., Inc.; Design Tool & Machine Company; Designs For Tomorrow, Inc.; Deterling Company, Inc.; Detroit Tool Engineering Company; Detwiler Tool Company; Development Research & Tool; Dexter Tool Company; Diamond Lake Tool; Diamond Machine Works, Inc.; Diamond Mold & Die, Inc.; Diamond Tool & Die Co., Inc.; Diamond Tool Products; Dickey & Son Machine & Tool; Die Cast Die & Mold, Inc.; Die Cast Dies, Inc.; Die Matic Corporation; Die Products, Inc.; Die Supply Corp.; Die-Matic, Inc.; Die-Mension Corporation; Die-Tech Manufacturing, Inc.; Die-Tron-Die-Cam, Inc.; Diecraft Corporation; Dieline Corporation; Diemakers, Inc.; Diemaster Tool & Mold; Diematics, Inc.; Dietooling (Division of Diemolding); Dietronic Stampings, Inc.; Dillon Industries, Inc.; Dimac Manufacturing Co., Inc.; Discovery Tool & Manufacturing; Ditoal (Division of Foundry Allied Industries); Diversified Engraving Stamp; Diversified Tool & Die; Diversified Tool Corporation; Diversified Tools, Inc.; Dixie Numerics, Inc.; Dixie Tool & Die, Inc.; Dixon Components, Inc.; Dollins Tool, Inc.; Donkra Manufacturing Company; Donlee Precision; Dot Machine & Tool Company; Double D Machine & Tool Company; Double Disc Grinding of Hauppauge, Inc.; Dowty's Machine Works, Inc.; Doyle Manufacturing, Inc.; Drake Engineering Co., Inc.; Drem Machine Company; Drilex Corporation; Du-Well Grinding Company, Inc.; Dugan Tool & Die Company; Duke Grinding, Inc.; Dulond Tool & Engineering, Inc.; Dun-Rite Industries, Inc.; Dura Metal Products Corporation; Durable Metal Products Company; Durivage Pattern Company; Duwest Tool & Die, Inc.; Dyko Tool Corporation; Dynacorp, Inc.; Dynamic Engineering, Inc.; Dynamic Enterprises, Inc.; Dynamic Machine & Fabricating; Dynamic Machine Works; Dynamic Metal Products; Dynamic Tool



& Design, Inc.; Dynamic Tool & Die Company; Dynamic Tool and Die, Inc.; Dynasty Mold & Engineering, Inc.; Dysinger Tool & Die Company; E & C Manufacturing Company, Inc.; E & F Tool Company, Inc.; E A M, Inc.; E C M of Florida; E C M Specialties, Inc.; E D I High-Tech Tooling & Machining; E D M Services, Inc.; E D M Wire-Cut Northwest, Inc.; E F Precision; E F S Fabrication, Inc.; E J Codd Company, Baltimore City; E K Machine Tool, Inc.; E M I Precision; E R C Concepts Company; E R I Division (Division of Babcock & Wilcox Company); E S L Corporation; E W Johnson Company, Inc.; E D M Exotics; E-B Manufacturing Company, Inc.; E-Z Machine Corporation; Eagle Metalcraft, Inc.; Eagle Tool & Machine Company, Inc.; Eason & Waller Grinding Company; Eastern Tool & Die, Inc.; Eastern Tool & Engineering Corp.; Eastford Tool & Die Co.; Ebway Corporation; Echo Precision Tooling Company; Eck & Eck Machine Company, Inc.; Eckel Manufacturing Company; Eckert Manufacturing Co., Inc.; Ecco Tool & Die, Inc.; Eclipse Mold, Inc.; Ed Fish Machine Company; Edco Tool & Die Company; Edel-Brown Tool & Die Company; Edgefield Fine Machining Company; Edgerton Machine & Gear, Inc.; Edinger Manufacturing, Inc.; Edmar Engineering Company; Edmunds Manufacturing Company; Edro Engineering, Inc.; Egli Machine Company, Inc.; Ehrhardt Tool & Machine Company; Eicom Corporation; Eighty-Six Tool Company; Eisen Gustav Tool & Die Works; Elbro Tool Company, Inc.; Elcam Tool & Die, Inc.; Elco Gear Corporation; Electra Form, Inc.; Electric Terminal Corporation; Electrical Discharge Machine; Electro Form Corporation; Electro Machine & Tool, Inc.; Electro Mold Company; Electro-Mechanical Products, Inc.; Electro-Methods, Inc.; Electrode, Inc.; Electrol Manufacturing Company; Electronics Tool & Die; Electrotols, Inc.; Elger Tool and Machine Co., Inc.; Elgin Machine Corporation; Elite Tool Company, Inc.; Elizabeth Carbide Die Co., Inc.; Eljay Corporation; Elk Lake Tool Company; Elkhart Machine & Tool; Elliot Tool & Manufacturing Company; Elliott's Precision, Inc.; Ely Tool, Incorporated; Emblem Tool & Engineering Company; Emco Engineering; Emmert Welding & Manufacturing Inc.; Emory Machine & Tool Company; Empire Corporation; Empire Machine Shop, Inc.; Empire Manufacturing Corporation; Enbi Corporation; Engineered Metal Products Company; Enpro Systems, Inc.; Enterprise Tool & Die; Enterprise Tool & Die, Inc.; Ephrata Precision Parts, Inc.; Epic Manufacturing Company, Inc.; Erca

Tool Die & Stamping Company; Erdle Manufacturing Company, Inc.; Erickson Tool & Machine Company; Ermco; Ernest Gaum, Inc.; Ervite Corporation; Esco, Inc.; Estee Mold & Die, Inc.; Esterle Mold & Machine Co.; Estul Tool & Manufacturing Co. Inc.; Etiko Machine, Inc.; Euclid Diemakers, Inc.; Euclid Precision Grinding Co., Inc.; Evana Tool & Engineering, Inc.; Evans Tool & Die, Inc.; Evansville Tool & Die; Ever Fab, Inc.; Ever-Ready Tool, Inc.; Everett Pattern and Mfg., Inc.; Ewart-Ohlson Machine Company; Exact Cutting Service, Inc.; Exact Tool & Die, Inc.; Excel Foundry and Machine, Inc.; Excel Machine Company; Excel Machine Products, Inc.; Excel Manufacturing, Inc.; Excel Stamping & Manufacturing, Inc.; Excel Tech Machine Repair & Scraping, Inc.; Excel Tool & Mfg.; Executive Mold Corporation; Expertise Components, Inc.; Expo Tool Company, Inc.; Extrusion Services, Inc.; Ezell Precision Tool Company; F & G Multi-slide, Inc.; F & G Tool & Die Company; F & M Machine Corporation; F & S Tool & Gauge Company; F C Machine Tool Design, Inc.; F D Contours; F D T Precision Machine Co., Inc.; F H Peterson Machine Corporation; F K Instrument Company, Inc.; F M Machine Company; F M S Industries, Inc.; F P Pla Tool & Manufacturing Co.; Fabian Machine & Tool; Fabmaster Industries, Inc.; Fabritek Company, Inc.; Fabro Engineering, Inc.; Fair Tool & Die Company; Fairbanks Machine & Tool; Fairfield Tool Company, Inc.; Fairview Machine Company, Inc.; Fairway Molds, Inc.; Faith Tool & Manufacturing, Inc.; Falcon Precision Machine Co.; Falcon Performance Eng.; Falls City Machine Technology; Falls Mold & Die, Inc.; Fame Tool & Manufacturing Company; Fargo Machine Company, Inc.; Farris Machine & Tool Company; Faustson Tool; Fay Tool & Die Company; Felton Machine Co., Inc.; Femmer Machine Company; Ferange Industries, Inc.; Ferrex Corporation; Ferriot Inc.; Fibreform Electronics; Fidelity Tool & Machine Co., Inc.; Field Equipment & Service Company; Figgins Machine Company; Finest Tool Company; Finish Line Manufacturing; Finntech, Inc.; Fischer Tool & Die Corporation; Fitzwater Engineering Corporation; Five Star Tool Company, Inc.; Flagg Steel Company; Flametech Corporation; Fleck Machine Company; Florida Aero Precision, Inc.; Fluke Metal Products, Inc.; Fordees Engineering; Formac Corporation; Formative Products; Formtech; Formtech Enterprises, Inc.; Forrest Machine, Inc.; Forster Tool & Die; Forsyth Engineering & Machine Corp.; Fort Custer Tool & Die, Inc.;

Foster Machine & Manufacturing Co.; Four Star Precision Products, Inc.; Four-D Tool Company; Fox Valley Tool & Die, Inc.; France Special Tool; Franchino Mold & Engineering; Frank J. Stoltzka & Son, Inc.; Fre-Mar Industries, Inc.; Frederick's Machine Shop; Fredon Corporation; Fredon Development Industries Inc.; Fremont Plastic Molds, Ltd.; Frenz & Kellogg Tool Corporation; Friemark, Inc.; Fulton Tool Company, Inc.; Furno Co.; Futaba Corporation of America; Future Fabricators; Future Tool & Die Company, Inc.; Future Tool & Die, Inc.; Fyco Tool & Die, Inc.; Fyne Instrument Corporation; G & G Machine Technology's Inc.; G & G Tool Company, Inc.; G & H Jig Grinding, Inc.; G & H Precision Machining; G & J Machine Shop, Inc.; G & K Machine & Tool Company; G & L Machine, Inc.; G & L Machining, Inc.; G & M Precision, Ltd.; G & R Enterprises; G & R Precision Grinding; G & W Industries, Inc.; G & W Tool & Die Company, Inc.; G & Z N/C Machining Company; G B F Enterprises, Inc.; G B Tool Company; G L B Precision, Inc.; G M A Tooling; G M Tool & Design, Inc.; G M Tool Corporation; G N R Plastic Co., Inc.; G P Precision Metal West; G P Tool Company; G S Precision, Inc.; G T G, Inc.; Gadsden Tool, Inc.; Gage-Line Sciences, Inc.; Galaxy Tool & Mold, Inc.; Galaxy Tool Corporation; Gales Manufacturing Corporation; Galger Engineering & Manufacturing Company; Galgon Industries, Inc.; Gambar Products Company, Inc.; Gar Incorporated; Garcia Associates; Garray Machine; Gasperak Mold & Engraving; Gatco, Inc.; Gauer Mold & Machine Company; Gem City Engineering Company; Gem Industries; Gemel Precision Tool Company, Inc.; Gemini Tool & Precision Machine; General Die & Engineering Corp.; General Engineering Company; General Machine & Tool; General Machine Products; General Machine Shop, Inc.; General Machine Works; General Tool & Die Company, Inc.; General Tool Company; Genesee Manufacturing Company, Inc.; Genesee Metal Stampings; Genesee Tool & Engineering, Inc.; Genuine Tool Company, Inc.; Geometric Manufacturing; George Welsch & Son Company; German Tool & Die, Inc.; Germantown Tool & Machine; Geyer Precision Machining Company; Gibbs Machine Company, Inc.; Gilbert Engineering Company; Gilbert Machine & Tool Company Inc.; Gilbert Tool & Die, Inc.; Gilkey Machine; Gill Tooling; Gillaspie Engineering & Mfg.; Gillette Machine & Tool Company; Girard Tool & Die; Glaze Tool & Engineering Company; Glebar Company, Inc.; Glendale Machine Company, Inc.;



Glidden Machine & Tool, Inc.; Goebel Machine Service, Inc.; Goffs Industrial Aid Machining Inc.; Goguen Industries; Goldenwest Manufacturing, Inc.; Goosen Enterprises; Gordon Industries; Gottschall Tool & Die; Gougler Industries; Grand Engineering; Grand Island Precision; Grand Rapids Diecraft, Inc.; Granger Machine & Tool, Inc.; Graphic Equipment Manufacturing Company, Inc.; Graybills Tool & Die, Inc.; Great American Tool & Mfg. Co.; Great Lakes Grinding, Inc.; Green Creek Tool & Gage, Inc.; Greenwell Machine & Tool, Inc.; Gregg Tool & Die Company, Inc.; Gremco Machine & Tool; Griffin Tool, Inc.; Grind All Precision Tool; Grind Company, Inc.; Grind-All, Inc.; Gros-Ite Industries; Groth Equipment Corporation; Guill Tool & Engineering Co., Inc.; Gulf South Machine; Gurr Enterprises Ltd.; H & H Machine Company; H & H Machine Company, Inc.; H & H Machine Shop Of Akron, Inc.; H & H Machined Products, Inc.; H & H Tool & Die Company; H & J Tool & Die Company; H & K Tool & Machine Company; H & M Screw Machine Products, Inc.; H & P Tool & Machine, Inc.; H & R Tool Works, Inc.; H & S Swansons' Tool Company; H & W Tool Company, Inc.; H B Machine, Inc.; H Brauning Company, Inc.; H Galow Company; H H Arnold Company, Inc.; H H H Machine Company; H H Mercer, Inc.; H M Dunn Company, Inc.; H M M Engineering Design Services; H P A S Inc.; H P Smith Spindle Corporation; H R Edgar Machining & Fabricating; H S & S Machine Tool Builders; H S Die & Engineering, Inc.; H T B, Inc.; Haberman Machine; Hackett Precision Company; Haemer Tool & Die; Hahn & Clay; Haley Tool & Stamping, Inc.; Hallum Tooling, Inc.; Halpro, Inc.; Hamden Tool & Die Co., Inc.; Hamill Manufacturing Company; Hamilton Mold & Machine, Inc.; Hamilton Tool Company; Hamlin Steel Products, Inc.; Hammill Manufacturing Company; Hammond and Barrie; Hammond Tool, Inc.; Hancock Manufacturing Corporation; Handy Tool & Manufacturing Company, Inc.; Hans Rudolph, Inc.; Hansa Plastics, Inc.; Hansford Manufacturing Corporation; Hanson Mold; Hanson Precision Machine; Har-Les Tool, Inc.; Hardy-Reed Tool; Harig Manufacturing Corporation; Harmon Machine Products; Harmony Industrial Corporation; Harrington Machine & Tool, Inc.; Hartford Aircraft Products, Inc.; Hartford Cutter Grinding, Inc.; Haserodt Machine & Tool, Inc.; Haskell Machine & Tool, Inc.; Haumiller Engineering Company; Hauser Machine Company, Inc.; Hawkins Machine Company, Inc.; Hawkinson Mold Engineering Company;

Hayden Corporation; Hayden Precision Industries; Heacock Metal and Machine, Inc.; Heatherington Machine Corporation; Hebert Machine Works; Heddalloy Die Corporation; Heilmann Tool & Manufacturing Co.; Helac Corporation; Helio, Inc.; Hellebusch Tool & Die, Inc.; Helm & Son Ltd.; Helmel Engineering Products, Inc.; Henes Stamping, Inc.; Henman Engineering & Machine, Inc.; Heritage Custom Fabricators, Inc.; Herr Precision Machining; Herrick & Cowell Company; Herzog Tool & Die Company, Inc.; Hess Die Mold, Inc.; Hess Engineering, Inc.; Hetrick Manufacturing, Inc.; Heyl Engraving, Inc.; Hi-Ridge Manufacturing, Inc.; Hi-Tech Industries, Inc.; Hi-Tech Manufacturing, Inc.; Hi-Tech Metal Cutting, Inc.; Hi-Tech Mold & Engineering, Inc.; Hi-Tech Mold & Tool, Inc.; Hiatt Metal Products Company; High Precision Machining Services; High-Tech Industries; Hill Aerospace & Defense; Hill Engineering, Inc.; Hilton Industries; Hilton Tool & Die Corporation; Hinshaw Tool & Die, Inc.; Hir-Trec Machine & Tool, Inc.; Hittle Machine & Tool Company; Hobson & Motzer, Inc.; Hodge Tool Company, Inc.; Hoercher Industries, Inc.; Hoffstetter Tool & Die; Hofmann Tool & Die Corporation; Holden Machine Company, Inc.; Holland Engineering Company; Hollis Industries, Inc.; Holmes Manufacturing Corporation; Holyoke Machine Company; Hondo Die Supply, Inc.; Hone Lap Company, Inc.; Hopco; Hopkins Machine & Tool Company; Hoppe Tool Works, Inc.; Hopwood Tool & Die; Horton Machine Company; Houston Company; Houston Cutting Tools, Inc.; Houston Metal Cutting Company; Hovis Precision Products; Howell Bros. Machine & Tool; Howell Precision, Inc.; Howland Industries; Howland Machine Corporation; Hubbell Machine Company, Inc.; Hudgins Precision Manufacturing, Inc.; Hudson Machine Works, Inc.; Hugh Mathews Machine Works, Inc.; Hughes Fabrication; Hughes Manufacturing, Inc.; Humboldt Instrument Company; Hunt & Hunt, Inc.; Hunt Machine & Manufacturing Co.; Huron Machine Products, Inc.; Huron Tool & Cutter Grinding; Huron Tool & Engineering Company; Husky Cutter Grinding, Inc.; Hutchins Tool & Engineering Co.; Hydraulic House, Inc.; Hydrodyne Division Of FPI, Inc.; Hygrade Machine & Tool, Inc.; Hygrade Tool & Manufacturing Co.; Hyland Machine Company; Hytrol Manufacturing, Inc.; Hytron Manufacturing Company, Inc.; I E M, Ltd.; I T C Automation, Inc.; I T M, Inc.; I-Corp, Inc.; Ideal Engineering Corporation; Ideal Engineering, Inc.;

Ideal Tool Company; Ilion Machine Products, Inc.; Imco, Inc.; Imperial Carbide, Inc.; Imperial Die & Manufacturing Co.; Imperial Machine & Tool Company; Imperial Machine & Tool, Inc.; Imperial Tool & Die; Imperial Tool & Manufacturing Co., Inc.; Impression Die & Tool; Independent Die & Manufacturing; Independent Tool & Manufacturing; Indian Springs Manufacturing Co., Inc.; Indiana Tool & Die; Industrial Bearings & Supply, Inc.; Industrial Chrome Specialties, Inc.; Industrial Custom Automatic Machine; Industrial Engineering, Inc.; Industrial Engravers, Inc.; Industrial Equipment Repair Co.; Industrial Form Grinding; Industrial Grinding, Inc.; Industrial Machine Company; Industrial Molds, Inc.; Industrial Park Rebuild; Industrial Precision Products, Inc.; Industrial Recision Services; Industrial Tectonics, Inc.; Industrial Tool & Die Co., Inc.; Industrial Tool & Machine Company; Industrial Tool, Die & Engineering, Inc.; Industrial Tool, Inc.; Industrial Tooling, Inc.; IndTool, Inc.; Injection Mold & Machine Company; Innex Tool & Die, Inc.; Innovation Machining Corporation; Innovative Concept Engineering & Manufacturing, Inc.; Innovative Systems Machine & Tool, Inc.; Innovative Tool; Instrumental Machine Products, Inc.; Integrated Machine Systems, Inc.; Inter-City Manufacturing, Inc.; Intracoastal Plastics, Inc.; Investment Mold Sales & Design; Irotas Manufacturing Company; Isimac Machine Company, Inc.; Istrouma Foundry & Machine Works; J & A Tool Company; J & B Tool; J & D Tool & Die, Inc.; J & F Machine Company; J & F Machine Company; J & H Deburring Company; J & J Machining; J & L EDM; J & M Grinding, Inc.; J & M Machine Products, Inc.; J & M Machine, Inc.; J & N Engineering, Inc.; J & R Boring & Machine; J & R Machine Company; J & W Grinding, Inc.; J & W Jolly, Inc.; J B Tool Die & Engineering, Inc.; J B Tool, Inc.; J B's Precision Industries, Inc.; J C B Precision Tool & Mold, Inc.; J C Barton Company; J C Parry & Sons Co., Inc.; J C Wilson Engineering Corporation; J D Kauffman Machine Shop; J D Tool & Engineering, Inc.; J F Fredericks Tool Company, Inc.; J G R Manufacturing Corporation; J G Tool & Die Co., Inc.; J Hacker, Inc.; J I Machine Company, Inc.; J K Tool & Die Design, Inc.; J L Behmer Corporation; J M B Machine & Tool Company, Inc.; J M Mold, Inc.; J M S Mold & Engineering Co., Inc.; J Myles Machine Company; J O K A Industries; J Ross Miller & Sons, Inc.; J Ryall Machine Works; J S Die & Mold, Inc.; J S S Tool & Die; J T Engineering, Inc.; J T Machine Company; J T Tool Company; J W Harwood Company; J W Tool & Die



Company, Inc.; J. D. Morris Machine & Mfg., Inc.; J. E. S. Grinding, Inc.; J. P. Tool, Inc.; J.P. Tool Inc.; Jack Haines Company; Jack Stewart Kelling; Jackson & Heit Machine Company; Jackson Machine; Jaco Tool & Die, Inc.; Jaman Tool, Die & Machine Company; Jamar Tool, Inc.; James P. Chick Company; James Singh Precision Eng., Inc.; Jamestown Design & Machine; Jandi Machine & Tool; Janson Tool & Die Company; Jasco Tools, Inc.; Jaycraft Corporation; Jell Tool Company; Jemco, Inc.; Jenkins Machine, Inc.; Jenkins Precision Grinding Co.; Jennison Corporation; Jergens, Inc.; Jerpak Bayless Company; Jerry Carroll Machining, Inc.; Jerry Tools, Inc.; Jet Die & Development Company; Jet Industries, Inc.; Jet Machine Works, Inc.; Jig Grinding Service Company; Jigmasters Tool & Gauge; Jim Cook Company; Jimco, Inc.; Jirgens Modern Tool Corporation; Joburn Tool, Inc.; Joel Tool Company, Inc.; John V. Potero Company, Inc.; Johnson Controls, Inc.; Johnson Engineering Company; Johnson Precision Machine, Inc.; Johnson Precision Machining, Inc.; Johnson Precision Works, Inc.; Johnson Technology; Johnson Tool Company; Johnson's Machine & Tool, Inc.; Jomar Machining, Inc.; Jonaco Machine, Inc.; Jonco Tool Company; Jordan & Smith, Inc.; Jordan Machine Co., Inc.; Joss Tool & Manufacturing Co., Inc.; Joyce Engraving Company; Judd Industries, Inc.; Juell Machine Company, Inc.; Juklin Industries, Inc.; Jurman Metrics, Inc.; K & A Engineering Company; K & B Tool; K & E Instrument; K & E Mfg. Company; K & G Tool, Inc.; K & H Mold & Machine Division; K & K Grinding Company, Inc.; K & M Precision Machining, Inc.; K & R Machine Company, Inc.; K & S Tool & Die, Inc.; K & S Tool & Manufacturing Company, Inc.; K - N Mold, Inc.; K and M Machine Fabricating, Inc.; K A F - Tech Industries; K D Service Company, Inc.; K L C Enterprises, Inc.; K L Winter, Inc.; K Mold & Engineering, Inc.; K V, Inc.; K Y Industries, Inc.; K. Y. Rogers, Inc.; K-B-K Tool & Manufacturing, Inc.; Ka-Wood Gear & Machine Company; Kaan Engineering, Inc.; Kahre Brothers, Inc.; Kal Tool & Die Company, Inc.; Kamashian Engineering; Kamco Plastics, Inc.; Kapp Machine Company; Karg Corporation; Karman Tool & Plastic Manufacturing; Karsten Engineering; Kasco Metal Products Corporation; Kauffhold Machine Shop, Inc.; Kay's Precision Manufacturing Corp.; Kays Engineering; Kebco Mold & Design, Inc.; Keck-Schmidt Tool & Die; Keegan's Machine & Fabricating, Inc.; Keen Machine Company; Kelbros, Inc.; Kellems & Coe Tool Corporation; Keller

Technology Corporation; Kelly Carbide Die Corporation; Kelm Manufacturing Company; Kelmar, Inc.; Ken Raz Tool Company, Inc.; Kendrick Tool & Engineering; Kenlee Precision Corporation; Kennedy & Bowden Machine Company; Kennedy Tool & Die Company; Kennick Mold & Die, Inc.; Kent Mold Engineering; Kentucky Machine & Tool Company; Kenwood Machine; Kenyon Specialties Co.; Kern Special Tools Company, Inc.; Kerns Manufacturing Corporation; Kerstan Precision Company, Inc.; Key Products; Keyes Machine Works, Inc.; Keystone Machine, Inc.; Keyway, Inc.; Kilgore Machine Company, Inc.; Kimberly Gear & Spline, Inc.; Kindex, Inc.; Kinetic Tool Company; King Machine, Inc.; Kirsop Industries; Klix Tool Corporation; Knight Machine & Tool; Knight Tool Company; Knowlton Manufacturing Company; Koch's Machine & Tool Company; Kolar Machine, Inc.; Komo Machine, Inc.; Koning Machine & Tool Company; Konrad Corporation; Koral Tool & Die Industries, Inc.; Kordenbrock Tool & Die Company; Kovacs Machine & Tool Company, Inc.; Kreichbaum Machine & Tool; Kremin, Inc.; Kriminger Machine Company; Krisalis Machining; Krizman, Inc.; Kroesen Tool Co., Inc.; Kruse Tool & Die, Inc.; Kuester Tool & Die Co., Inc.; Kurz & Son, Inc.; KENLAB; L & H Tool & Die, Inc.; L & J Tool & N C Machine; L & L Machine, Inc.; L & L Tool & Die; L & M Mold Corporation; L & M Precision Grinding Corp.; L & P Machine, Inc.; L & S Corporation; L A B Quality Machining; L B Machine & Manufacturing Company; L H Carbide Tool & Die Corp.; L J Mroz Design Service; L P I Corporation; L T L Company, Inc.; L. A. Simpson Machine Company; L-B-L Corporation; L-K Tool & Manufacturing, Inc.; Lab Threads & Gear Works, Inc.; Labco Welding, Inc.; Ladapa Die & Tool, Inc.; Lagonda Tool Company; Lakeland Mold, Inc.; Lakeland Tool & Engineering, Inc.; Lakeview Tooling, Inc.; Lakewood Engineering, Inc.; Lamar Industrial Plastics II; Lamb Machine & Tool Company; Lamb Technicon Corporation; Lamina, Inc.; Lampin Corporation; Lamson Products Company; Lancaster Knives, Inc.; Lancaster Machine Shop; Lancaster Metal Products Company; Lancaster Mold, Inc.; Lancaster Tool & Machine, Inc.; Land Specialties Manufacturing Co.; Landry Specialty Welding, Inc.; Lane Punch Corporation; Laneko Engineering Company; Laneko Precision Corporation; Laneko Roll Form, Inc.; Lange Precision Company; Lanlyn Instrument Company; Lanum Metal Products Company, Inc.; Lark Manufacturing Company, Inc.; Laser Fare, Ltd.; Laser Tool Company;

Laserform; Lathe Tool Works, Inc.; Layke Tool & Manufacturing, Inc.; LaGrange Machine, Inc.; Lebal Industries, Inc.; Lebanon Tool Co.; Leblanc Grinding Company; Leblond Makino Machine Tool Company; Ledford Engineering Company, Inc.; Leech Tool & Die Works, Inc.; Leech, Incorporated; Leemax Mfg. Corp.; Lees Enterprise; Leese & Company, Inc.; Leicester Die & Tool, Inc.; Leidel Corporation; Lempco Industries, Inc.; Lenit Machine Company; Lentros Engineering, Inc.; Leonardi Manufacturing Co., Inc.; Letsch Manufacturing, Inc.; Levic Plastics, Inc.; Levion Company, Inc.; Lewis Machine & Fabricating Company; Liberty Tool & Die Corporation; Libra Manufacturing Company; Ligi Tool & Engineering, Inc.; Limmco, Inc.; Linco Tool & Machine Company; Linco, Inc.; Link, Inc.; Linke Tool Die & Engineering Co., Inc.; Lloyd B. Cogswell Manufacturing Co.; Lloyd Company; Lloyd Tool & Manufacturing Corp.; Loadometer Corporation; Lobart Company; Logan Machinists, Inc.; Lombardo Tool & Machine Company; Lombness Tool & Die Company, Inc.; Long-Stanton Manufacturing Company; Lonner Industries, Inc.; Look Precision, Inc.; Lorenzen's Tool & Dies, Inc.; Louis J. Hansen Enterprises, Inc.; Louis Vigh Tool & Die; Louisiana Engine Rebuilding Co.; Louisville Machine Mfg. Corporation; Loyal Machine Company, Inc.; Lucas Machine Co.; Lucas Machine Division; Luick Quality Gage & Tool; Lunar Industries, Inc.; Lunar Tool & Machinery Company; Lunar Tool & Mold, Inc.; Lunquist Tool & Manufacturing Corp.; Lynn Welding; Lynx, Inc.; Lyons Tool & Die Company; M & D Loe Manufacturing, Inc.; M & H Engineering Company, Inc.; M & H Precision; M & H Tool & Die, Inc.; M & J Grinding & Tool, Inc.; M & M Machine Company, Inc.; M & S Machine & Manufacturing Co.; M & S Welding Company, Inc.; M C General, Inc.; M D E, Inc.; M D F Tool Corporation; M D Machine Co., Inc.; M E P P Tool Company, Inc.; M G M Tool & Die, Inc.; M G W Precision Small Parts; M S Willett, Inc.; M T E, Inc.; M W Industries, Inc.; M-C Fabrication, Inc.; M-Tron Manufacturing Company, Inc.; Mac Law Tool & Aircraft; Mac Machine Company, Inc.; Machine Products Corporation; Machine Service Consultants; Machine Specialties Company; Machine Tool Specialists, Inc.; Machine Tooling, Inc.; Machinecraft, Inc.; Machinery Spare Parts & Supplies; Mackenzie Machine & Marine Works; Macnab Manufacturing, Inc.; Macor, Inc.; Maddox Metal Works, Inc.; Maddox Tool & Die Shop; Madgett



Enterprises; Madison-Smith Machine and Tool Co.; Maeward, Inc.; Magdic Precision Tooling, Inc.; Maghielse Tool & Die Company; Magna Engineering; Magna Machine & Tool Company; Magna Standard Manufacturing, Inc.; Maho Machine Tool Corporation; Main Mold, Inc.; Maine Machine Products; Majer Precision Grinding, Inc.; Majestic Mold & Tool, Inc.; Majestic Tech; Majestic Tool & Engineering Co., Inc.; Major Tool & Die Division (Division of Means Stamping Industries, Inc.); Major Tool & Machine, Inc.; Mal Ber Manufacturing Company; Mallay Corporation; Mamco Manufacturing Company; Manchester Tool & Die; Manco, Inc.; Manda Machine Company, Inc.; Manetek, Inc.; Maney Aircraft; Mannheim Special Machine Shop; Manufacturers Tool & Die; Manufacturing Appraisal Company; Manufacturing Machine Corporation; Manufacturing Service Company; Mar-Mac Precision Corporation; Mar-Tech Industries, Inc.; Marco Manufacturing Company; Marcy Machine, Inc.; Mardon Enterprises, Inc.; Mardon Industries, Inc.; Mardon Tool & Die Company, Inc.; Maric Precision; Marini Tool & Die Company, Inc.; Mark Concepts, Inc.; Marlton Pike Precision; Marquardt Engineering, Inc.; Marquette Tool & Die Company; Mars Manufacturing Company, Inc.; Martco, Inc.; Martin Machine Company, Inc.; Martin Machine, Inc.; Martinelli Machine; Marton Tool & Die Company, Inc.; Masco Machine, Inc.; Massey Grinding Service, Inc.; Master Cutting & Engineering; Master Manufacturing Co.; Master Metal Engineering, Inc.; Master Precision Machining, Inc.; Master Precision Tool Corporation; Master Tool & Die, Inc.; Master Tool & Die, Inc.; Master Tool & Mold, Inc.; Mastercraft Mold, Inc.; Matrix Machine, Inc.; Matrix Tool, Inc.; Matthews Gauge, Inc.; Maudlin & Son Manufacturing Company, Inc.; Maurer Metalcraft, Inc.; Maxwell Bailer Corporation; May Industries, Inc.; May Tool & Die, Inc.; May Tool & Mold Company, Inc.; Maya Jig Grinding & Gage Company; Mayday Manufacturing Company; Mayfair Molded Products; Mayfield Machine Shop, Inc.; McAfee Tool & Die, Inc.; McBee Engineering, Inc.; McCormick/Bates Manufacturing; McGill Manufacturing Company; McKenna Industries, Inc.; McLinden Machine, Inc.; McNeal Enterprises, Inc.; McNeill Manufacturing Company; McPherson Implement, Inc.; McSwain Manufacturing Company; Meadville Plating Company, Inc.; Meadville Tool Grinding; Mechanical Associates, Inc.; Mechanical Products Manufacturing; Mechanized Enterprises, Inc.; Medved

Tool & Die Company; Mefco, Inc.; Megacity Tool & Manufacturing Corp.; Meko Industries, Inc.; Melvin Tool & Die, Inc.; Menegay Machine & Tool Company; Mercer Machine & Tool Co., Inc.; Mercer Machine Company, Inc.; Mercury Tool & Manufacturing Co.; Mercury Tool & Mfg., Inc.; Meriden Manufacturing; Meridian Products Corporation; Merit Machinery, Inc.; Merkler Machine Works; Merlone Metal Spinning, Inc.; Meta-Meg Tool Corporation; Metal Forming & Coining; Metal Hans, Inc.; Metal Processors Inc.; Metal Products Mfg., Inc.; Metal-Tech, Inc.; Metallon, Inc.; Metco Manufacturing Company, Inc.; Metform Tool Corporation; Methods & Machining Services Co.; Metri-Tech Engineering, Inc.; Metric, Inc.; Metrix Manufacturing Company; Metro Manufacturing, Inc.; Metro Metal Products, Inc.; Metro Mold & Design, Inc.; Meyer Tool & Machine Company; Miami Valley Punch, Inc.; Michiana Plastics, Inc.; Micka Manufacturing Company; Micro Chrome & Lapping, Inc.; Micro Cut; Micro Diameters Company; Micro Diameters, Inc.; Micro Instrument Corporation; Micro Machine Shop; Micro Machining, Inc.; Micro Manufacturing Corp.; Micro Precision Company; Micro Punch & Die Company; Micro Stamping Corporation; Micro Surface Engineering, Inc.; Micro Tool & Manufacturing Company; Micro Tool Engineering, Inc.; Micro-Tech Production Machine Co.; Micro/Belmont Engineering; Micromet, Inc.; Micron Tool & Manufacturing, Inc.; Microtome Precision, Inc.; Mid West Mold; Mid-Central Manufacturing, Inc.; Mid-South Industries, Inc.; Mid-State Manufacturing, Inc.; Midland Precision Machining, Inc.; Midtown Manufacturing; Midville Tool & Die Company; Midway Mold, Inc.; Midwest Machine & Manufacturing Co.; Midwest Tool & Die Corporation; Midwest Tool & Engineering Company; Mikim Industries, Inc.; Mil-Craft Manufacturing, Inc.; Mil-O-Matic; Mil-Tech Machine, Inc.; Millard's Tooling & Grinding, Inc.; Millat Industries Corp.; Miller Machine & Design, Inc.; Miller Mold Company; Miller Precision, Inc.; Milrose Industries; Miltronics, Inc.; Milwaukee Punch Corporation; Milwaukee Slide and Spindle; Minco Tool & Mold Corporation; Minnotte Cleveland Corporation; Mission Tool & Manufacturing Co., Inc.; Mitchell Machine & Fabricating; Mitchell Machine & Tool Company; Mitchell Machine Works; Mitchum Schaefer, Inc.; Mittler Brothers Machine & Tool; Mo-Tech Corporation; Mod-Tech, Inc.; Model Die & Mold, Inc.; Model Machine Company, Inc.; Model Pattern Company,

Inc.; Modern Industries; Modern Machine Company; Modern Machine, Inc.; Modern Manufacturing, Inc.; Modern Metal Manufacturing, Inc.; Modern Metalsmiths, Inc.; Modern Molds, Inc.; Modern Tools Division (Division of Libbey, Owens, Ford); Moehrl, Inc.; Mohawk Mold & Machine; Mold Systems Corporation; Moldcraft E D M; Monarch Valve Corporation; Monitor Mold & Tool Company; Monks Manufacturing Co., Inc.; Monroe Tool & Die Company; Monterey Precision, Inc.; Montgomery Brothers Machine Company, Inc.; Montgomery Tippet Corporation; Moon Cutter Company, Inc.; Moore Quality Tooling, Inc.; Moore Special Tool Company, Inc.; Morris Machine Company, Inc.; Morris Precision; Morton & Company, Inc.; Motor Machine Co., Inc.; Moulding Specialists, Inc.; Mountain Machine Services; Mountain States Automation; Mt. Penn Tool & Machine Co., Inc.; Muck Engineering, Inc.; Mueller Machine & Tool Company; Muesco, Mallay, Inc.; Multi-Tool, Inc.; Mun Manufacturing Company; Munn Engineering Company, Inc.; Mushro Machine & Tool; Mutual Precision, Inc.; Mutual Tool & Die, Inc.; Myers Industries; MAC Tool & Die, Inc.; N B Enterprises; N C; N C S, Inc.; N E T & Die Company, Inc.; N K R Precision Manufacturing Co.; N L T Enterprises, Inc.; Namco Precision, Inc.; NanBil Wire Cut Company; Nardon Manufacturing Company, Inc.; Nash Machine Company, Inc.; Nashville Machine Company, Inc.; Natco Machine & Welding Co., Inc.; National Manufacturing Co., Inc.; National Molding Corporation; Nationwide Precision Products, Corp.; Native Industries, Inc.; Neal Manufacturing, Inc.; Nefor Engineering & Mfg., Inc.; Nelms-Donham Machining, Inc.; Nelson Brothers & Strom Co., Inc.; Nelson Engineering; Nelson Engineering Company, Inc.; Nelson Precision Drilling Co., Inc.; Nelson Thread Grinding; Nerjan Development Company; New Age Manufacturing Co., Inc.; New Deal Tool & Machine (Division of NDT Industries, Inc.); New England Die Company, Inc.; New England Tool Company; New River Precision Machine Co.; New Stanton Machining & Tooling Inc.; New Ulm Precision Tool; New-Co Technologies; Newbrook Machine Corporation; Newington Manufacturing, Inc.; Newman Machine Company, Inc.; Newman Machine Works; Newman Stamping & Machine, Inc.; Newport Aeronautical Sales; Newport Controls, Inc.; Newport Tool & Die, Inc.; Niagara Punch & Die Corporation; Nicolson Cutter; Nieman Machine Company; Nifty Bar, Inc.; Nijon Tool Company, Inc.; Nitschke Tool & Die; Noble Tool



Corporation; Norco Tool Grinding, Inc.; Nordon Tool & Mold Company; Nores Precision, Inc.; Norfil Manufacturing; Norfolk Specialties, Inc.; Norman Noble, Inc.; Normandy Metals, Inc.; Normike Industries, Inc.; Norris Precision Manufacturing; North Central Tool and Die; North Coast Grinding, Inc.; North Coast Machining; North Coast Tool & Mold Corporation; North Easton Machine Company; North Florida Tool Engineering, Inc.; North Star Design, Inc.; Northeast Manufacturing Co., Inc.; Northeast Tool & Manufacturing Co.; Northern Machine Tool Company; Northern Manufacturing & Engineering, Inc.; Northridge Precision Machining; Northwest Machine Works, Inc.; Northwest Machine, Inc.; Northwest Precision Tool, Inc.; Northwest Swiss-Matic, Inc.; Northwest Tool & Die Company; Norv's Molds; Nova Tool & Mold, Inc.; Novi Precision Products, Inc.; Numeric Machine Products; Numeric Machining Co., Inc.; Numerical Precision, Inc.; Numerical Precision, Inc.; Numerical Productions, Inc.; Nutmeg Precision Company; NuTec Tooling Systems, Inc.; O & S Machine & Tool Co., Inc.; O-A, Inc.; O A R Tool & Die, Inc.; O E M Industries, Inc.; O J Hanratty Machine; O K Dies, Inc.; O'Keefe Ceramics; Oakley Die & Mold Company, Inc.; Obars Machine & Tool Company; Oette Tool & Die Company; Ohio Gasket & Shim Company; Ohio Machine & Mold Company; Ohio Transitional Machine & Tool, Inc.; Ohlemacher Mold & Die; Ohler Manufacturing Company, Inc.; Ohlinger Industries, Inc.; Olazaba Enterprises; Olin Tool & Machine, Inc.; Olmsted Engineering Company; Omark Industries; Omega Tool & Die, Inc.; Omega Tool, Inc.; Omni Tool, Inc.; Omnitec Precision; Omnitool, Inc.; Onondaga Machine Company, Inc.; Orange Tool Company, Inc.; Orbit Mold Corporation; Orbit Tool & Die Corporation; Osborn Fabricators, Inc.; Osborn Products, Inc.; Osley & Whitney, Inc.; Osuch Tool & Die; OTMI, Inc.; P & A Tool & Die, Inc.; P & D Machine Company; P & J Tool Company, Inc.; P & K Tool & Production Company; P & M Quality Machining Co.; P & M Screw Machine Products; P & N Machine Company, Inc.; P & P Mold & Die; P & R Industries, Inc.; P C S Company; P K Tool & Manufacturing Company; P R B Metal Products, Inc.; P R Machine Works, Inc.; P T L Manufacturing, Inc.; P. M. I. Motion Technologies; Pace Precision Products, Inc.; Pacific Machine Works; Pacific Sky Supply, Inc.; Pacific Tool & Die, Inc.; Pact Manufacturing Company; Pahl Tool Services; Pak Devices, Inc.; Pal-Vin Machine, Inc.; Palma Tool & Die Company, Inc.; Palmer

Custom Machinery Corp.; Palmer Manufacturing Company; Palo Verde Machine Products; Pan-O-Grav, Inc.; Pan-Tec, Inc.; Paragon Die & Engineering Company; Paragon Machine & Tool; Paragon Machine, Inc.; Parallax, Inc.; Paramount Die Mold, Inc.; Paramount Machine & Tool Corp.; Park Hill Machine, Inc.; Parker Plastics Corporation; Parkview Metal Products; Parm Tool & Die Company; Parr-Green Mold and Machine Co.; Parris Tool & Die Company; Parrish Machine Company, Inc.; Pasco Tool & Die, Inc.; Patco Machine & Fab, Inc.; Patell Industrial Machine Co., Inc.; Path Technologies; Patterson Gear & Machine; Paumier Company, Inc.; Pe-Ce Design; Peachtree Tooling Corporation; Peerless Precision, Inc.; Peerless Tool & Die Corporation; Pegasus Company, Inc.; Pego Corporation; Peko Precision Products; Pell Engineering, Inc.; Pellegrin Machine & Tool; Penco Precision; Pendleton Tool Company, Inc.; Penn State Tool & Die; Penn United Tech, Inc.; Penn-Erie Manufacturing, Inc.; Pennco Tool & Die, Inc.; Pennoyer-Dodge Company; Pennsylvania Crusher; Pennsylvania Tool & Gages, Inc.; Pentagon Die & Manufacturing, Inc.; Peraza Tool and Mold, Inc.; Perfect Mold Company, Inc.; Perfect-A-Tec Corporation; Perfection Mold & Machine Company; Perfection Tool & Mold; Perfection Tool & Mold; Perfecto Tool & Engineering Company; Performance Plastics East; Performance Unlimited, Inc.; Perry Tool & Research Company; Pesco Company; Petersen Precision Engineering Co.; Phase, Inc.; Phelps Tool & Die Company; Phil-Coin Machine & Tool Co., Inc.; Phillips Bros. Tool & Die, Inc.; Phinney Tool & Die Company; Phoenix Grinding; Phoenix Machining Corporation; Phoenix Manufacturing, Inc.; Phoenix Tool & Gage, Inc.; Pickard Cutter Grinding, Inc.; Piece-Maker Company; Piedmont Tool & Mfg. Co., Inc.; Pier Tool & Die, Inc.; Pierce Products, Inc.; Pinehurst Tool & Die; Pinnacle Engineering Company; Pinnacle Manufacturing Co., Inc.; Pinnacle Precision, Inc.; Pioneer Broach Company; Pioneer Machine Products; Pioneer Precision Grinding, Inc.; Pioneer Tool & Die Company; Pioneer Tool & Die, Inc.; Pioneer Tool Die & Machine; Pivot Punch Corporation; Pivot Punch-Zip Industrial Products; Plainfield Tool & Engineering, Inc.; Plainville Manufacturing Co., Inc.; Plainville Products Corporation; Plant 7 Machine & Tool; Plas Tool Company; Plasma Technology Incorporated; Plasma-Tec, Inc.; Plastic & Metal Forming; PlasTech Mold Company; Plaza Tool & Die Corporation; Pleasant Precision; Plesh

Enterprises, Inc.; Pleune Technology; Pohland Enterprises, Inc.; Pol-Tek Industries, Ltd.; Poly Pro, Inc.; Polyphase Machine Company, Inc.; Polytec Products Corporation; Pompano Precision Products; Poplar Machine Co., Inc.; Port City Machine & Tool Company; Porter Precision Products; Posa-Cut Corporation; Powder Metallurgy Company; Powill Manufacturing & Engineering, Inc.; Practical Machine, Inc.; Practical Mechanics Inc.; Prather Engineering, Inc.; Pre-Mec Corporation; Preac Tool Company, Inc.; Precise Engineering Company; Precise Jig Grinding, Inc.; Precise Machine & Etching, Inc.; Precise Mold & Die, Inc.; Precise Plastic Products, Inc.; Precise Products Company; Precise Products Corporation; Precise Punch Products; Precise Tool & Engineering Company; Precision Aerospace Components, Inc.; Precision Aerospace Manufacturing, Inc.; Precision Balancing & Analyzing Co.; Precision Boring Company; Precision Broach Corporation; Precision Carbide Products; Precision Deburring Enterprises, Inc.; Precision Die & Stamping; Precision Drilling & Tapping; Precision E D M; Precision Electronic Metal; Precision Engineering & Mfg. Co.; Precision Engraving & Machine Co.; Precision Fabricating, Inc.; Precision Fluid Power, Inc.; Precision Gage & Tool Company; Precision Gage, Inc.; Precision Grinding & Manufacturing; Precision Grinding, Inc.; Precision Grinding, Inc.; Precision Honing Corporation; Precision Identity Corporation; Precision Industries, Inc.; Precision Machine & Engineering, Inc.; Precision Machine & Tool Co., Inc.; Precision Machine & Welding; Precision Machine Company; Precision Machining Company; Precision Machining Company, Inc.; Precision Masters, Inc.; Precision Measuring Corp.; Precision Metal Works; Precision Metalcraft; Precision Mold & Engineering, Inc.; Precision Mold & Pattern; Precision Mold & Tool, Inc.; Precision Mold Base Corporation; Precision Mold Welding, Inc.; Precision Molds, Inc.; Precision Products of Tennessee; Precision Products, Inc.; Precision Small Parts, Inc.; Precision Specialties; Precision Spring & Stamping Corp.; Precision Stamping & Tool, Inc.; Precision Stampings, Inc.; Precision Technology Corp.; Precision Technology, Inc.; Precision Tool & Grinding, Inc.; Precision Tool & Manufacturing; Precision Tool & Mold; Precision Tool Company; Precision Tubedraw & Machining, Inc.; Preferred Die & Mold Corporation; Preferred Machine & Tool Products; Preferred Machining Corporation; Premium Plastic Machine,



Inc.; Prestige Precision Products, Inc.; PreMAT, Inc.; Prime Engineering; Primeway Tool & Engineering Company; Prince Tool & Die Laboratory, Inc.; Prototype Industries, Inc.; Pro-Mold, Inc.; Pro-Tech Metal Specialties, Inc.; Pro-Tool Engineering; Process Equipment Company; Product Engineering Company; Production Metal Cutting, Inc.; Production Products; Production Tool & Die Company, Inc.; Product Machine Company; Professional Instruments; Progage; Progress Design & Machine, Inc.; Progressive Die & Automation, Inc.; Progressive Die Company; Progressive Tool & Die; Progressive Tool & Die; Progressive Tool Company; Proper Cutter Sales & Service; Proper Mold & Engineering, Inc.; Prospect Mold & Die Company; Protista Company; Proto-Design, Inc.; Proto-Stamp Tool & Die, Inc.; Protonics Engineering Corp.; Prototype & Plastic Mold Co., Inc.; Prototype Model & Mold Corporation, Inc.; ProMold, Inc.; Pruden Tool & Die Company, Inc.; Punch Press Products, Inc.; Punchcraft Company (Division of Masco Industries, Inc.); Puritan Machine Company, Inc.; Putoma Corporation; Pylon Tool Corporation; Pyper Tool & Engineering; POFCO; Q M S Machining & Tool Corporation; Quabbin Industries, Inc.; Quality Circle Corporation; Quality Die & Machine Company; Quality Die & Mold Corporation; Quality Engineering Services, Inc.; Quality Grinding & Machining, Inc.; Quality Grinding Corporation; Quality Machine Company, Inc.; Quality Manufacturing Company; Quality Manufacturing, Inc.; Quality Mold & Die, Inc.; Quality Mold & Engineering, Inc.; Quality Plus, Inc.; Quality Precision Machine Works, Inc.; Quality Stamping Co., Inc.; Quality Tool & Die; Quality Tool & Die Company; Quality Tool & Die Inc.; Quality Tool Company; Quality Tool, Inc.; Qualontime Corporation; Qualtech Tool & Machine, Inc.; Quintile Industries, Inc.; R & C Mold Company, Inc.; R & D Custom Machine & Tool, Inc.; R & D Gage, Inc.; R & D Machine Company; R & D Machine Corporation; R & D Manufacturing; R & D Tool & Engineering; R & M Manufacturing Company; R & M Mold Manufacturing Co., Inc.; R & R Machine; R & R Tool & Die & Four Slide; R & R Tool & Machine, Inc.; R and R Machine Company; R A Industries; R A M Tool Company; R A Tool Company; R B S Tools, Inc.; R B Tool & Manufacturing Company; R Davis EDM, Inc.; R E A L Precision Grinding Company; R E A Precision Machine Co., Inc.; R F Cook Manufacturing Co.; R H Edrich Precision Corporation; R H Gibson Technologies;

R H Harris Company; R I Carbide Tool Company; R J S Corporation; R J S Machine Products; R J S Manufacturing Corporation; R J Stuckel Company, Inc.; R M I; R Meschkat Precision Machining; R N D Limited; R O C Carbon Company; R S I Fabtec; R S Precision Industries, Inc.; R S Tool, Inc.; R Y Tool Company, Inc.; R. D. Hopkin Machine Corporation; R. K. Precision Company; R. L. Barry, Inc./Amic Division (Division of R.L. Barry, Inc.); R. W. Smith Company; R.E.F. Machine Company, Inc.; Radford Machine Works; Rae Tech; Rafferty Machine & Tool, Inc.; Rainbow Tool & Machine Co., Inc.; Ralee Engineering Company; Raloid Corporation; Ram Metal Products, Inc.; Rams Rockford Products, Inc.; Ramsay Welding Research Co., Inc.; Ran-Bro Tool Company; Randolph Machine Company; Ranger Tool & Die Company; Ranoda Electronics; Rapid Die & Engineering; Rapid Grinding & Machine; Rapidac Machine Corporation; Raschke Engraving, Inc.; Ratnik Industries, Inc.; Raven Machine & Tool, Inc.; Ray Lee Cams & Machining, Inc.; Ray Machine, Inc.; Raybon Manufacturing Co., Inc.; Rayco Machine Company; Rayco Manufacturing; Ready Machine Tool & Die Corp.; Realco Tool & Die, Inc.; Reare Engineering, Inc.; Reardon Machine Co., Inc.; Reber Machine & Tool Company; Red Line Base, Inc.; Reed City Tool & Die; Reed Instrument Company; Reel Tool Company; Regal Mold & Die, Inc.; Regener & Company; Rehrig Pacific Company; Reiam Company, Inc.; Reichert Stamping Company; Reid Industries, Inc.; Reidville Tool & Manufacturing Co., Inc.; Reitz Tool & Die Company, Inc.; Reitz Tool, Inc.; Reliable E D M Company; Reliable Machine Works; Reliable Sharpening Service, Inc.; Reliable Tool & Die, Inc.; Reliance Mold & Tool, Inc.; Reliant Tool, Inc.; Remmele Engineering, Inc.; Remtex, Inc.; Rennco Industries, Inc.; Reno Machine Company, Inc.; Repairtech International, Inc.; Republic Diesel Truck; Republic Tool & Manufacturing Co.; Reserve Industries Corporation; Reuther Mold & Manufacturing Co.; Rhode Island Precision Co., Inc.; Ricci Machine Corporation; Richard Manufacturing Company, Inc.; Richard O. Schulz Company; Richard Tool & Die Corporation; Richards Machine Tool Company, Inc.; Rick's Engraving, Inc.; Rid-Lom Precision Tool; Riddle Machine Company; Ridge Machine & Welding Company; Riggins Engineering, Inc.; Right Tool & Die, Inc.; Rima Enterprises; Ripley Machine Company, Inc.; Ritchie Brothers Research & Rite-Way Grinding Saw & Tool Co.; Rite-Way Tool & Engineering Company; Ritsema Grinding

Company; Rival Precision, Inc.; River Valley Plastics, Inc.; Riverpoint Tool Company, Inc.; Riverside Associates; Riverside Tool & Die, Inc.; Riverview Machine Company, Inc.; Riviera Die & Tool, Inc.; Robert E. Fesus & Associates, Inc.; Robert M. Wohlfeld Company; Roberts Tool & Die Company; Roberts Tool Company; Roberts Tool Company, Inc.; Robertson Machine Company; Roblan Pty, Ltd.; Rochester Gear, Inc.; Rochester Manufacturing; Rochester Precision, Inc.; Rock Tool & Machine Company, Inc.; Rocket Research Company; Rockford Engineered Products Co.; Rockford Jobbing Service; Rockford Toolcraft, Inc.; Rockstedt Tool & Die; Rocon Manufacturing Corporation; Rodak Plastics Company, Inc.; Rodgers Tooling, Inc.; Rogers Associates Tool & Die; Roland Manufacturing Corp.; Romac Electronics, Inc.; Romakk Engineering; Ron Grob Company; Ronal Tool Company, Inc.; Ronlen Industries, Inc.; Ronlo Engineering, Ltd.; Roson Plastics, Inc.; Rotogen Industries; Roy A. Hutchins Company; Royal Industries, Inc.; Royal Manufacturing Company; Royal Tool, Inc.; Royell Manufacturing, Inc.; Ruoff & Sons, Inc.; Ruska Instrument Company; Russell Machine Company; S & H Machine & Engineering, Inc.; S & H Machine Products; S & L Metal Products Corporation; S & S Automation; S & S Industries; S & S Precision; S C Manufacturing; S G S Tool Company; S K Industries; S L P Machine, Inc.; S S Industries; S T S Mold Builders, Inc.; S-Three Engineering, Inc.; Sac Tool & Die Shop, Inc.; Sage Machine & Fabricating; Sagehill Engineering, Inc.; Saginaw Machine Systems, Inc.; Saginaw Products Corporation; Saginaw Tool & Die, Inc.; Sahuaro Precision Grinding Service, Inc.; Salisbury Special Tool; Samson Manufacturing Company; Samuel R. Parry Machine Company; Sandberg Machine & Engineering; Sanders Tool & Mould Company; Sanders Tool Company; Sanders' Tool & Machine Company; Sandor Tool Company, Inc.; Sandr, Inc.; Santa Clara Machining Company; Sargent Specialty & Machine Company; Satellite Aerospace, Inc.; Satellite Precision Company; Satellite Tool & Machine Co., Inc.; Sattler Machine Products, Inc.; Scan O Matic, Inc.; Schafer Gear Works, Inc.; Schaffer Grinding Company, Inc.; Schickling Tool & Engineering Co.; Schill Corporation; Schmiede Machine & Tool Corporation; Schneider & Marquard, Inc.; Schober's Machine & Engineering; Schroeder Tool & Die Corporation; Schucker-Deco Machine, Inc.; Schuetz Tool & Die, Inc.; Schulze Tool Company, Inc.; Schwab & Rieber; Schwartz



Industries, Inc.; Schwerdtle Stamp Company; Scorpio Tool & Die, Inc.; Scott County Machine & Tool Co., Inc.; Screw Machine Tool Company; Sears Machine Company; Sebewaing Tool & Engineering Co.; Sectional Die Company; Seel Tool & Die, Inc.; Seico Precision Die, Inc.; Select Tool & Die Corporation; Service Tool & Die Company; Service Tool & Die, Inc.; Service Tool & Mfg. Co., Inc.; Servo Gear Engineering Co., Inc.; Sharp Grinding Company, Inc.; Shaw Industries, Inc.; Shear Tool, Inc.; Sheffield Progressive, Inc.; Shelby Engineering Company, Inc.; Shell Die Mold, Inc.; Shepherd Specialty Machine & Die; Sherman Corporation; Sherman Tool & Design; Shield Tool & Engineering Co., Inc.; Shubin Tool & Manufacturing Co., Inc.; Sibley Machine & Foundry Corp.; Sibo Tool & Die Company; Sidney Machine Service, Inc.; Sidney Tool & Die, Inc.; Sierra Mold & Engineering Company; Sifco Custom Machining Company; Signal Machine Company; Silverbrook Manufacturing Co., Inc.; Sintermet, Inc.; Sipco, Inc.; Skeeles Engineering, Inc.; Ski-Way Machine Products Company; Skill Tool & Die Corporation; Skillcraft Machine Tool Company; Skilltronics, Inc.; Skulsky, Inc.; Skyline Manufacturing Corporation; Skylock Industries, Inc.; Skylon Mold & Machining; Skyway Manufacturing Corporation; Skyway Precision Inc.; Slankers, Inc.; Slantco Machine & Tool; Smith Machine & Tool Company; Smith Tool & Die, Inc.; Smith-West; Smithfield Industries, Inc.; Snider Mold Company, Inc.; Solar Tool & Die, Inc.; Soma Engineering & Manufacturing, Inc.; Sonic Tool; South Bend Form Tool Company; South Eastern Machining, Inc.; South Shore Metal Products; South Shore Mold & Tooling Company; South Side Machine Works, Inc.; Southampton Manufacturing, Inc.; Southeast Tool & Machine Corp.; Southeastern Technology, Inc.; Southern Machine & Tool Company; Southern Numerics, Inc.; Southside Machine Company; Southwest Mold, Inc.; Space Craft Manufacturing Co., Inc.; Spaceonics Industries; Spark Technologies, Inc.; Sparro Machine Products, Inc.; Spartan Carbide, Inc.; Spartan Manufacturing Company; Spaulding Machine Co.; Spearhead Automated Systems, Inc.; Special Machine & Engineering, Inc.; Special Parts, Inc.; Special Tool & Engineering Corp.; Special Welding Services, Inc.; Specialty Machines, Inc.; Spectra Technology, Inc.; Spen-Tech Machine Engineering Corp.; Springdale Machine & Gear Company; Springfield Tool & Die, Inc.; Squaglia Manufacturing Company; Square Deal Tool & Die, Inc.; Square Tool & Die Corporation; St.

George Machine Tool; St. Louis Tool & Mold; St. Mary Manufacturing Corporation; Stahl Specialty Company; Stamford Tool & Die (Division of Cognitronics Corporation); Stampco Metal Products; Standard Die Supply, Inc.; Standard Jig Boring Service, Inc.; Standler, Incorporated; Stanek Tool Corporation; Stanley Machining & Tool Corp.; Star Gauge; Star Machine Systems; Star Machine, Inc.; Star Precision Machining, Inc.; Star S Manufacturing; Star Tool & Manufacturing, Inc.; Starlite Tool & Die, Inc.; Starn Tool & Manufacturing Company; State Cutter Grinding Service Co., Inc.; State Welding & Fabricating, Inc.; Stauble Machine & Tool Company; Stearns Tool Company; Steel Engineering Company; Steel Products Corp. of Akron, Inc.; Stefcro Precision, Inc.; Stenby Tool Company; Stephenson Diversified Cutter Grinding, Inc.; Sterling Engineering Corporation; Sterling Machine Company, Inc.; Sterling Tool Company; Stettinisch Tool & Die; Stevens Manufacturing Company, Inc.; Stevenson Machine Shop; Stewart Industries, Inc.; Stewart Manufacturing Company; Stieg Grinding Corporation; Stillion Industries; Stillwater Technologies, Inc.; Stines Machine; Stinson Machine & Manufacturing Inc.; Stinson Manufacturing Company; Stolle Precision Tool Company; Stone Mountain Machine & Die, Inc.; Stonebridge Corporation; Stoney Crest Regrind Service, Inc.; Stott Tool & Machine Company; Straton Tool & Die Company; Stricker Engineering; Stuart Industries, Inc.; Studwell, Inc.; Stugart Industries, Inc.; Stuhf Manufacturing Company; Sturgis Tool & Die, Inc.; Suburban Manufacturing Company; Suburban Mold & Plastic, Inc.; Suburban Tool & Die Company; Suburban Tool & Manufacturing Co., Inc.; Sullivan Machine Products, Inc.; Summit Engineering Company, Inc.; Summitt Tool & Manufacturing; Sumner Machine & Tool Company; Sun Polishing Company; Sun Up Wireforms, Inc.; Sunbelt Machine, Inc.; Sunbelt Plastics, Inc.; Sunbelt Tool & Die; Sunport Engineering Company; Superior Die & Engineering Company (Division of Krummen Corp.); Superior Die Set Corporation; Superior Die Tool Machine Company; Superior Engineering Company, Inc.; Superior Gear Box Company; Superior Jig, Inc.; Superior Machine & Tool Inc.; Superior Machine Products; Superior Mold Company; Superior Mold, Inc.; Superior Roll Forming Company; Superior Thread Rolling Company; Superior Tool & Die Company; Superior Tool & Die Company, Inc.; Superior Tool, Inc.;

Supreme Machine & Manufacturing Inc.; Supreme Machine Division; Supreme Machine Products, Inc.; Supreme Tool & Die, Inc.; Surface Manufacturing; Sussex Instrument Corporation; Sutco Manufacturing Company; Swenton Tool & Die Company; Swiss EDM Wirecut, Inc.; Swiss Specialties, Inc.; Swiss Tech; Swiss Wire EDM; Swissco, Inc.; Syn-Tech Mold, Inc.; Syst-A-Matic Tool & Design; Systems Machining Company; Szpak Manufacturing, Inc.; T-K & Associates, Inc.; TCI Aluminum; TDM Corporation; TET Manufacturing Company, Inc.; TK Industries; TMF Tool Company; TM Machine & Tool; TM Tool Company, Inc.; TRA Industries, Inc.; T-M Manufacturing Corporation; Tade Industries; Tait Design & Machine Company; Tait Grinding Service, Inc.; Talan Machine & Tool, Inc.; Talbar, Inc.; Tana Corporation; Tangent Tool & Die Company; Tangent Tool & Mfg., Inc.; Tapco; Targhee Jig Grinding Company; Taurus Machine, Inc.; Taurus Tool & Engineering, Inc.; Tausz Machine Repair; Tavalacci Manufacturing Company; Taylor Smith, Inc.; Taylor Tool & Die Company, Inc.; Taylor Tool & Machine Company; Team Machine Tool Builders Corporation; Tech Machine & Tool Company; Tech Mold & Tool Company; Tech Mold, Inc.; Tech Ridge, Inc.; Tech Tool & Mold, Inc.; Tech Tool, Inc.; Tech-Etch, Inc.; Techni-Mold & Engineering, Inc.; Techni-Products, Inc.; Technics 2000 Inc.; Technitool, Inc.; Technitri Corporation; Tedco, Inc.; Teledyne Efficient Industries; Tell Tool, Inc.; Tempcraft, Inc.; Temple Screw Machine Products, Inc.; Tempress, Inc.; Tenk Machine & Tool Company; Tennessee Metal Works, Inc.; Tennessee Precision, Inc.; Terrell Sales Corporation; Terrill Motor Machine, Inc.; Teston Machine Corporation; Tetco, Inc.; Teter Tool & Die, Inc.; Tex-Tool Company; Thaler Machine Company; The Adroit Company; The Slaysman Company; The Ultimate Tool & Gage Company; The Will-Burt Company; Therm, Inc.; Thiel Tool & Engineering Co., Inc.; Thiemann Engineering & Manufacturing Company; Thomas Instrument & Machining Co.; Thomas Machine Works, Inc.; Thompson Gun Drilling, Inc.; Thor Tool & Die Company; Three D Manufacturing Corporation; Three-Way Pattern, Inc.; Thurm-A-Matic; Tiburzi Machine & Tool Company; Tiger Enterprises, Inc.; Tiger Industries, Inc.; Tiller Tool & Die, Inc.; Tillman Tool Company, Inc.; Time Machine & Stamping, Inc.; Timna Manufacturing Company; Tinker Machining Company, Inc.; Tipco Punch, Inc.; Tipp Machine & Tool, Inc.; Tire Mold Services, Inc.; Tisza Industries,



Inc.; Titan Enterprises, Inc.; Titan Tool Company, Inc.; Titan Tool, Inc.; Todd Industries, Inc.; Toledo Machine & Die Company; Tomco Die & Kellering Company; Tomken Tool & Engineering, Inc.; Tool & Die Specialties, Inc.; Tool & Die Systems, Inc.; Tool Craft Company, Inc.; Tool Gauge & Machine Works, Inc.; Tool Mate Corporation; Tool North, Inc.; Tool Producers, Inc.; Tool Rite, Inc.; Tool Specialties Company; Tool Specialty Company; Tool Steel Products; Tool Technology, Inc.; Tool-Rite Industries; Toolcraft of Phoenix, Inc.; Toolcraft Products, Inc.; Toolcraft, Inc.; Toolex; Toolex Manufacturing Corporation; Toolex, Inc.; Toolmatic Company; Tools Renewal Company; Top Tool & Die, Inc.; Top Tool Company; Toresco; Tottser Tool & Die Shop; Tower Tool & Engineering, Inc.; Tower Tool & Manufacturing Company, Inc.; Tracey Gear, Inc.; Tramco Mold, Inc.; Tree City Mold & Machine Company; Treffers Precision, Inc.; Tremont Tool & Gage, Inc.; Tresco Tool, Inc.; Trew-Craft Corporation; Tri City Tool; Tri City Tool & Die Company; Tri Craft, Inc.; Tri Kris Company, Inc.; Tri-City Machine Products, Inc.; Tri-City Tool & Die, Inc.; Tri-M-Mold, Inc.; Tri-Mech Industries, Inc.; Tri-R-Tool Company; Tri-State Precision, Inc.; Tri-State Tool & Saw, Inc.; Tri-Versal Mold & Manufacturing Co.; Tri-Wire, Inc.; Triad Tool & Die Company; Triangle Tool Company; Triangle Tool Corporation; Tricon Machine & Tool, Inc.; Trident Tool Company, Inc.; Trimac Manufacturing, Inc.; Trimatek; Trimetric Specialties, Inc.; Trinity Tools, Inc.; Trio Precisioneering, Inc.; Trio Tool & Die, Inc.; Triple Point Manufacturing; Triple Quality Tool & Die, Inc.; Triple Tool & Mfg. Co.; Triplex Industries; Trisan Manufacturing, Inc.; Trotwood Corporation; Trowbridge Machine; Tru Cut Die Corp.; Tru Point Corporation; Tru Tool, Inc.; Tru-Circle Corporation; Tru-Die, Inc.; True Machine Company; True Position, Inc.; True Precision, Inc.; Trueline Tool & Machine, Inc.; Trust Technologies Corp.; Tschida Machine Works; Tucker Machine Company; Tucker Technology, Inc.; Tucson Numerical Machine, Inc.; Tujays Machine Works; Tura Machine Company; Turbo Machine & Tool, Inc.; Turcotte Manufacturing Co., Inc.; Turley Industries; Turners Machine Shop; Twin City Honing Company; Twin City Manufacturing Company; Twinbrook Tool & Mold Company; Twinco Manufacturing Company, Inc.; Twoson Tool Mfg. Company, Inc.; Tymar Machining; TAPCO; U M C, Inc.; U P Machine & Engineering Company; U S Carbide Company; U S Die & Mold

Company, Inc.; U. S. Axle, Inc.; Ullieco Machining, Inc.; Ultimate Precision, Inc.; Ultra Cut, Inc.; Ultra Engraving & Machining; Ultra Precision, Inc.; Ultra Tool & Die, Inc.; Ultra Tool & Manufacturing, Inc.; Ultra-Tech, Inc.; Ultramation, Inc.; Ultron Engineering; Unimach Manufacturing; Union Machine; Unique Instruments, Inc.; Unique Machine Company; Unique Tool & Die Company, Inc.; Unique Tool & Manufacturing; United Carbide Industries, Inc.; United Centerless Grinding; United Engineering Company; United Engineers, Inc.; United Industrial Technologies; United Machine & Tool Co., Inc.; United Skilled; United Tool & Die, Inc.; United Tool & Engineering Company; United Tool & Engineering, Inc.; Unittool Punch & Die Company; Universal Brixius; Universal Machine & Tool Works, Inc.; Universal Machine Products; Universal Machine Rebuilders, Inc.; Universal Precision Products Co.; Universal Tool Company; Universal Tools & Manufacturing Co.; Utility Tool & Die Works; Utility Tool & Machine Company; V & M Tool Company, Inc.; V & S Die & Mold, Inc.; V. I. C. Machine Company; Vallee Burring Company, Inc.; Valley Jig Grinding, Inc.; Valley Machine Products, Inc.; Valley Machine Works, Inc.; Valley Manufacturing & Engineering Company; Valley Precision, Inc.; Valley Tool & Die, Inc.; Vals Tool & Die Corp.; Van Engineering; Van Reenen Tool & Die; Van-Am Tool & Engineering, Inc.; Van-Kno Tool & Manufacturing, Inc.; Vanderveer Industrial Plastics, Inc.; Vanguard Technology Corporation; Vanpro, Inc.; Vantage Mold & Tool Company; Variety Stamping Corporation; Variety Tool & Die, Inc.; Varispace Division; Vaughn Manufacturing Company, Inc.; Veit & Young, Inc.; Veldon Manufacturing, Inc.; Venango Machine Products, Inc.; Ventura Industries, Inc.; Venture Precision Machining Co.; Versa-Mil, Inc.; Versa-Tool Manufacturing, Inc.; Versatile Machine Company, Inc.; Versatile Tool & Die; Vescio Threading Company; Vi-Tec Manufacturing; Victor Plastics, Inc.; Victory Machine Tools; Viking Tool & Engineering; Viking Tool & Gage, Inc.; Village Tool & Machine Company; Vim Systems, Inc.; Vimco; Visger Precision, Inc.; Vitco Nuclear Products, Inc.; Vitron Manufacturing, Inc.; Vobeda Machine & Tool Company; Vogform Tool & Die Company; Volkert Precision Technologies, Inc.; Volumatic, Inc.; Von Donen Precision, Inc.; Voshage Machine, Inc.; Voss Manufacturing, Inc.; Vulcan Engineering & Manufacturing; Vulcan Forge & Machine Company; Vulcan Tool Corporation; Vulcan Tool Of Iowa; W & H Stampings, Inc.; W B

Tool & Die; W C Kirby & Son, Inc.; W D & J Machine & Engineering; W Derosier Mold & Machine; W G Strohwig Tool & Die, Inc.; W H Jones & Son, Inc.; W J Snyder Gear Corporation, Inc.; W S Demoss & Son, Inc.; W T X Industries, Inc.; W Westhall & Son, Inc.; W. Dempt Company; Wacker Development, Inc.; Waggoner Brighton, Inc.; Wagner Engineering, Inc.; Walbrun Tool, Inc.; Walco Tool & Engineering Corp.; Walerko Tool & Engineering Corp.; Walker Tool & Die, Inc.; Walker Tool & Machine Company; Walco Engineering, Inc.; Walter Tool & Mfg. Inc.; Waltz Brothers, Inc.; Walz Deburring Specialists, Inc.; Ward Manufacturing Company, Inc.; Washington Scientific Industries, Inc.; Wayne Smith Company; Weatherby Tool & Die, Inc.; Weatherford Tool & Die; Weaver Diversified Mfg., Inc.; Weaver Machine & Tool Company, Inc.; Webb Design Service; Webster Tool & Die, Inc.; Weco Metal Products; Wejco Instruments; Weld Lab; Weldex Sales, Inc.; Weldments of Florida; Weldun International; Well Built Manufacturing Company; Wells Machine Company, Inc.; Wemco Precision Tool; Werkema Machine Company, Inc.; Wes-Mar, Inc.; Wesco Machine, Inc.; Wess Plastic, Inc.; West Coast Industries, Inc.; West Engineering Company, Inc.; West Georgia Tool & Die, Inc.; West Hartford Tool & Die Company; West Haven Buckle Company; West Milton Precision Machine; West Point Foundry and Machine; West Tool & Manufacturing, Inc.; West Warwick Machine Company, Inc.; Westbrook Industries, Inc.; Westbrook Manufacturing, Inc.; Westco Manufacturing Co., Inc.; Wester Tool & Machine Company; Western Machine & Manufacturing; Western Machining, Inc.; Westfield Gage Company, Inc.; Westfield Tool & Die, Inc.; Westhoff Tool & Die Company; Westlake Tool & Die Manufacturing; Westwood Precision, Inc.; Wesval, Inc.; Wetmore Cutting Tools; Whip's Tool & Cutter Grinding; White Machine; White Machine, Inc.; Whitehead Tool & Die, Inc.; Wichita Tool Company; Wiegel Tool Works, Inc.; Wikstrom Machines, Inc.; Wilco Die Tool Machine Company; Wilco Industries, Inc.; Wilderness Mold, Inc.; Wilhite Industries, Inc.; Will-Mor Engineering Company, Inc.; Willard Machine Corporation; William Kanes Manufacturing Corp.; William Sopko & Sons Company, Inc.; Williams Machine Company, Inc.; Wilsey Tool Company, Inc.; Wilson Products, Inc.; Windsor Tool & Die, Inc.; Wingard & Company, Inc.; Wire Cut Company, Inc.; Wire Tech; Wire Tech E D M, Inc.; Wirecut E D M, Inc.; Wirecut Technologies;



Wisconsin Drill Head Company;  
Wisconsin Engraving Company;  
Wisconsin Machine Shop, Inc.; Wissota  
Enterprises; Witte Machine Products,  
Inc.; Woldring & Associates; Wolfe &  
Swickard Machine Co., Inc.; Wolverine  
Bronze Company; Wolverine Tool  
Company; Woodhaven Telesis  
Corporation; Woodruff Corporation;  
Woody's Precision Grinding; Wright &

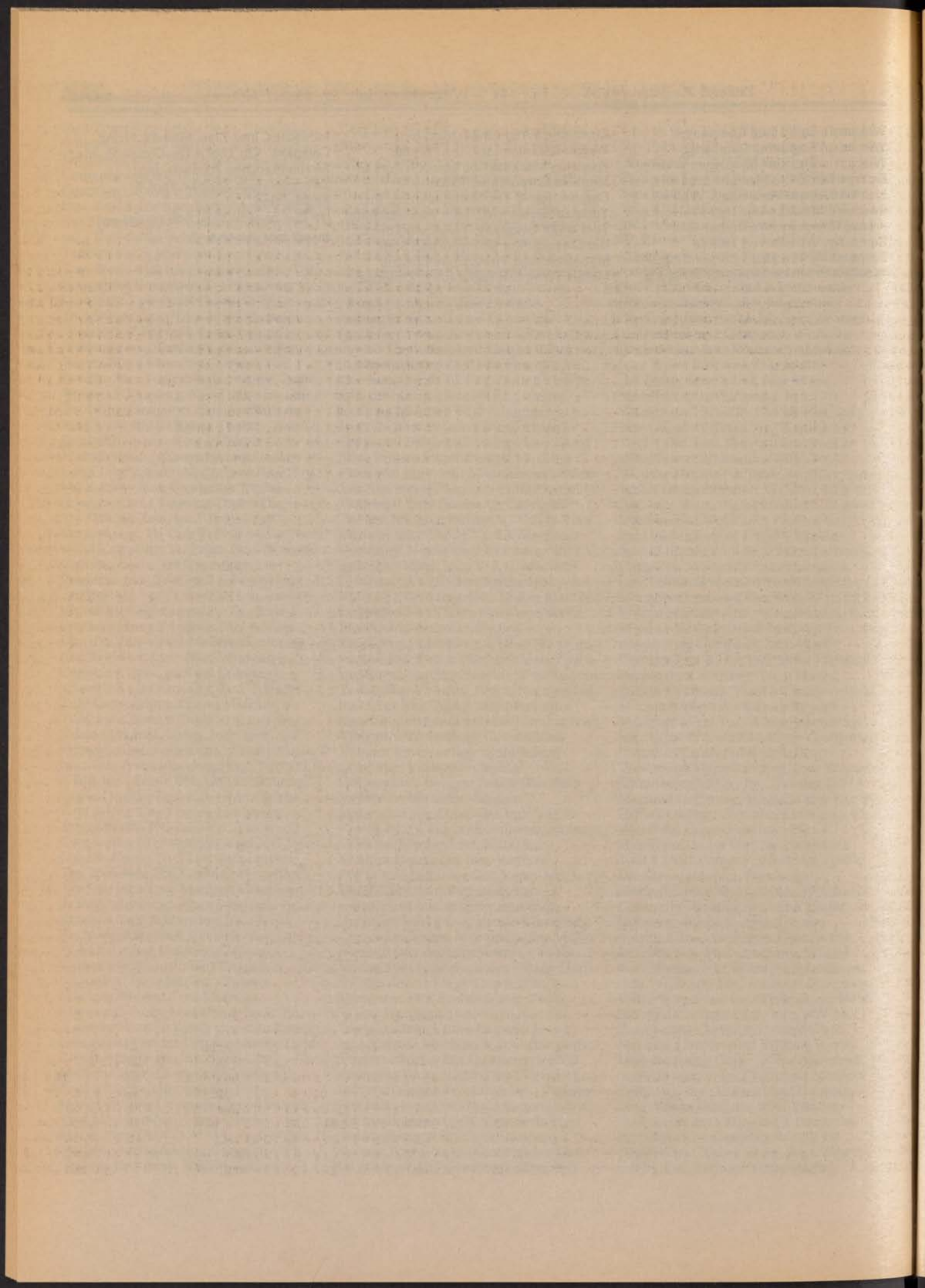
Company; Wright Industries, Inc.;  
Wright-K Technology, Inc.; Wythe  
Precision Machine Co., Inc.; X L Tool &  
Machine Corporation; Xolox  
Corporation; Y Tec Manufacturing, Inc.;  
Yeoman Engineering, Inc.; York Machine  
Tool & Die Company; Yorktown Tool &  
Die Corporation; Youngers and Sons  
Manufacturing; Youngwood Electric  
Metals West; Z-R Laboratory; Zarlenga

Industries, Inc.; Zims Manufacturing  
Company; Zip Tool & Die Company, Inc.;  
Zircon Precision Products, Inc.;  
Zovamax, Inc.; Zuelzke Tool &  
Engineering.

[FR Doc. 88-16749 Filed 7-26-88; 8:45 am]

BILLING CODE 3510-DR-M







# 34 CFR Part 327

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Wednesday  
July 27, 1988

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## Part III

### Department of Education

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Office of Special Education and  
Rehabilitative Services

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34 CFR Part 327  
Handicapped Special Studies Program;  
Final Regulations



## DEPARTMENT OF EDUCATION

Office of Special Education and  
Rehabilitative Services

## 34 CFR Part 327

## Handicapped Special Studies Program

AGENCY: Department of Education.

ACTION: Final regulations.

**SUMMARY:** The Secretary amends the regulations for the Handicapped Special Studies Program authorized by section 618 of Part B of the Education of the Handicapped Act (EHA). These amendments are needed to implement revisions made to section 618 of the EHA by section 406 of the Education of the Handicapped Act Amendments of 1986, Pub. L. 99-457.

**EFFECTIVE DATE:** These regulations take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** Linda Glidewell, Division of Innovation and Development, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SW. (Switzer Building, Room 3094—M/S 2313), Washington, DC 20202. Telephone: (202) 732-1099.

**SUPPLEMENTARY INFORMATION:** The Handicapped Special Studies program provides support for the collection of data, as well as studies to evaluate State and local efforts to provide a free appropriate public education and early intervention services to infants, toddlers, children, and youth with handicaps. Section 618 of the Act requires that this information be included in the annual report submitted to the Congress by the Department. The activities conducted under this program are designed to provide Congress with information relevant to policymaking and to provide Federal, State, and local agencies with information relevant to program management, administration, and effectiveness of special education and early intervention programs.

The amendments made it clear that infants and toddlers with handicaps are to be included within the scope of this program, and expand the eligible agencies for cooperative agreements under section 618(d)(1) to include other State agencies in addition to State educational agencies. In accordance with the legislative history of the Amendments, the regulations limit eligibility to those State agencies

designated by the Governor in each State for the purpose of administering an early intervention program under Part H of the Education of the Handicapped Act.

On February 12, 1988, the Secretary published a notice of proposed rulemaking (NPRM) for this program in the *Federal Register* at 53 FR 4185. There is no difference between the NPRM and these final regulations.

## Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, two parties submitted comments on the proposed regulations. One party supported the regulations as proposed. An analysis of the other comment follows.

**Comment:** One commenter suggested that § 327.2(b) should be clarified to indicate whether all State agencies or only a certain number of State agencies are eligible to apply for cooperative agreements to carry out the projects described in § 327.10(c). Also, the commenter suggested that § 327.10(a) should " \* \* be expanded to include the impact of specific components of Part H, different service delivery methods, and to specify whether this is to be long or short term evaluation."

**Discussion:** Section 618(d)(1) of the Education of the Handicapped Act (EHA), as amended by Pub. L. 99-457 (October 8, 1986), expands the eligible agencies for cooperative agreements to include other State agencies in addition to State educational agencies. In accordance with the legislative history of the 1986 amendments, the regulations limit the eligibility to those State agencies designated by the Governor in each State for the purpose of administering an early intervention program under Part H of the Act. Any eligible State agency may submit an application for a cooperative agreement, subject to the requirements contained in the application announcement published in the *Federal Register*. Awards are made based on a competitive ranking of all applications and the availability of funds.

Section 327.10 describes the types of activities that may be supported by the Handicapped Special Studies Program. The language of § 327.10(a), as written, covers the entire EHA, including Part H, and would not preclude studies, investigations, and evaluations of different service delivery methods. As written, § 327.10(a) allows for both long and short term evaluations and any priority announced under § 327.10(a) could specify whether or not it is intended to be long or short term.

**Changes:** None.

## Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. These regulations are not classified as major because they do not meet the criteria for major regulations established in the order.

## Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

The only small entities that would be affected by the regulations are small local educational agencies receiving Federal financial assistance under this program. However, the regulations would not have a significant economic impact on the small local educational agencies affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

## Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

## List of Subjects in 34 CFR Part 327

Education, Education of handicapped, Education—research, Grants program—education, Reporting and recordkeeping requirements, State educational agencies.

Dated: June 30, 1988.

William J. Bennett,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.159; Handicapped Special Studies Program)

The Secretary amends Part 327 of the Code of Federal Regulations as follows:

## PART 327—HANDICAPPED SPECIAL STUDIES PROGRAM

1. The authority citation for Part 327 is revised to read as follows:

Authority: 20 U.S.C. 1418, unless otherwise noted.



2. Section 327.2 is amended by revising paragraph (b) to read as follows:

**§ 327.2 Who is eligible to apply for an award under this program?**

\* \* \* \* \*

(b) In order to carry out the projects described in § 327.10(c), the Secretary may enter into cooperative agreements with—

- (1) State educational agencies; and
- (2) Other State agencies designated by the Governor in each State for the purpose of administering an early intervention program under Part H of the Education of the Handicapped Act.

(Authority: 20 U.S.C. 1418)

3. Section 327.10 is amended by revising paragraphs (a), (b), (c), (d), and (e) to read as follows:

**§ 327.10 What kinds of projects are authorized under this part?**

Projects authorized under this part include activities to—

- (a) Collect data, and conduct studies, investigations, and evaluations to assess progress in the implementation of the Act, the impact of the Act, and the effectiveness of State and local efforts and efforts by the Secretary of the Interior to provide free appropriate

public education to all handicapped children and youth, and early intervention services to handicapped infants and toddlers;

(b) Obtain data, on at least an annual basis, about programs and projects assisted under the Act and under other Federal laws relating to the provision of services to handicapped infants, toddlers, children, and youth, as required under section 618(b) of the Act;

(c) Assess the impact and effectiveness of programs assisted under the Act, in accordance with sections 618(d)(1) and (2) of the Act, through cooperative agreements with State agencies;

(d) Provide technical assistance to participating State agencies in the implementation of the evaluation studies described under paragraph (c) of this section;

(e) Disseminate information from the studies assisted under paragraph (c) of this section to State agencies, regional resource centers, clearinghouses, and, as appropriate, others involved in or concerned with the education of and early intervention services for handicapped infants, toddlers, children, and youth;

\* \* \* \* \*

**§ 327.31 [Amended]**

4. Section 327.31(g) is amended by removing "handicapped children and youth" each place it appears and adding, in its place, "handicapped infants, toddlers, children, and youth".

(Approved by the Office of Management and Budget under Control Number 1820-0028)

5. Section 327.40 is amended by revising the introductory text and paragraph (b) to read as follows:

**§ 327.40 What are the requirements for conducting projects?**

Each State educational agency or other State agency receiving an award for a State Agency/Federal Evaluation Studies project under § 327.10(c) shall—

\* \* \* \* \*

- (b) Develop the study in consultation with the State advisory panel established under the Act, local educational agencies, others involved in or concerned with the education of handicapped children and youth and the provision of early intervention services to handicapped infants and toddlers.

\* \* \* \* \*

[FR Doc. 88-16927 Filed 7-26-88; 8:45 am]

BILLING CODE 4000-01-M







# Environmental Protection Federal Register

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Wednesday  
July 27, 1988

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## Part IV

### Environmental Protection Agency

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40 CFR Part 721

Significant New Use Rules; Amendments  
to General Provisions; Final Rule



**ENVIRONMENTAL PROTECTION AGENCY****40 CFR PART 721**

[OPTS-50527A; FRL-3357-1]

**Significant New Use Rules; Amendments to General Provisions****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** EPA is promulgating amendments to the general provisions of 40 CFR Part 721, under the authority of section 5(a)(2) of the Toxic Substances Control Act (TSCA). The amendments clarify when manufacturers, importers, or processors must submit a significant new use notice and establish a procedure for obtaining EPA approval of alternative measures for control of human exposure and release to the environment that are the equivalent to those specified in a significant new use rule (SNUR). The amendments also establish a procedure for submission and review of significant new use notices during the proposal period of significant new use rules.

**DATES:** In accordance with 40 CFR 23.5 (50 FR 7271) this rule shall be promulgated for purposes of judicial review at 1 p.m. Eastern time on August 10, 1988. This rule shall become effective on September 9, 1988.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Stahl, Acting Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M Street SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** This rule amends the 40 CFR Part 721, Subpart A—General Provisions that apply to all SNURs. The provisions clarify when manufacturers, importers, or processors must submit a significant new use notice and establish a procedure for submission and review of significant new use notices during the proposal period of SNURs. The provisions also provide exemptions to the reporting requirements and establish a procedure under which the Agency may allow the use of alternative measures for control of human exposure and release to the environment that are equivalent to those specified in a SNUR.

The provisions in Part 721, Subpart A clarify existing general conditions under which recordkeeping and/or reporting may be required. The existing recordkeeping and reporting requirements are not significantly

changed by the clarifications contained in this rule. Therefore, the Agency has determined that this clarifying rule does not impose any additional recordkeeping or reporting requirements on the public.

Send comments regarding this rule to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

**I. Authority**

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)), authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once EPA determines a use to be a significant new use, persons must, under section 5(a)(1)(B) of TSCA, submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture, import, or process the substance for that use.

Persons subject to a SNUR must comply with the same regulations and procedures as persons who must submit a premanufacture notice (PMN) under section 5(a)(1)(A) of TSCA. In particular, these include the information submission requirements of sections 5(b) and (d)(1), the exemptions authorized by sections 5(h)(1), (2), (3), and (5), and the regulations at 40 CFR Part 720. Once EPA receives a SNUN, the Agency may take regulatory action under sections 5(e), 5(f), 6, or 7 to control the activities on which it has received the notice. If EPA does not take action, section 5(g) requires the Agency to explain in the *Federal Register* its reasons for not taking action.

**II. Summary of This Rule**

This rule amends 40 CFR Part 721, Subpart A—General Provisions. Subpart A contains the general provisions that apply to all SNURs. The provisions set forth the requirements under which a manufacturer, importer, or processor must submit a SNUN to EPA. The provisions clarify who is responsible for reporting a significant new use and provide exemptions to the reporting requirements. The provisions also provide a procedure under which EPA may allow the use of alternative measures to control worker exposure to or environmental release of chemical substances. The amendments to 40 CFR Part 721, Subpart A—General Provisions are listed below:

1. Certain sections are renumbered and applicable cross references are changed.

2. A manufacturer, importer, or processor is not required to submit a SNUN if such person can document one or more of the following for each recipient of a substance subject to a SNUR:

(a) The recipient has been provided with notice of the SNUR.

(b) The recipient knows of the SNUR.

(c) It is technically or otherwise not feasible for the recipient to engage in the significant new use.

3. A manufacturer, importer, or processor who intends to distribute a chemical substance subject to a SNUR to a recipient for nonexempt purposes, and has prior knowledge that the recipient intends to engage in a significant new use of that substance without submitting a SNUN, must submit a SNUN to EPA before distributing that chemical substance to that recipient.

4. A manufacturer, importer, or processor who is distributing a chemical substance subject to a SNUR to a recipient, and obtains knowledge that the recipient is engaging in a significant new use and has not submitted a SNUN to EPA, must immediately cease distribution of the chemical substance to that recipient and submit a SNUN, unless: (a) It can document that it has notified (within 15 working days of the time it develops knowledge that the recipient is engaging in a significant new use) the recipient and EPA in writing of the significant new use, and (b) the recipient has informed the manufacturer, importer, or processor, within 15 working days, in writing, that it will not engage in the significant new use. A copy of the recipient's reply must be sent to EPA enforcement authorities.

5. Provisions for the TSCA section 5(h)(3) research and development (R&D) exemption are added which mirror the R&D exemption in the PMN rule (40 CFR 720.36; April 22, 1986, 51 FR 15096).

6. A procedure is established whereby a person may obtain EPA approval to manufacture or process a chemical substance for a significant new use before the promulgation date of the final SNUR. Under this advanced compliance exemption, EPA will accept and review SNUNs during the proposal period.

7. A procedure is established under which EPA may allow use of alternative measures to control exposure to, or environmental release of, a chemical substance without submitting a SNUN, if EPA determines that the alternative measures provide substantially the same degree of protection as the control



methods specified in the SNUR for the chemical substance.

8. An exemption is established whereby persons operating under and abiding by the terms of a consent order issued under section 5(e) of the Act will be exempt from submitting a SNUN under provisions which are inconsistent.

### III. Background

On September 5, 1984 (49 FR 35001), the Agency promulgated at 40 CFR Part 721, Subpart A—General Provisions that apply to all SNURs. Subsequent to promulgation of these provisions, the Agency received comments on certain sections of the promulgated rule. On April 22, 1986 (51 FR 15104), EPA proposed amendments to the general provisions. EPA received comments from industry and environmental groups on the proposed amendments. After consideration of these comments, 40 CFR Part 721, the Subpart A—General Provisions are being published in final form. On April 22, 1986, amendments were proposed for the following sections: §§ 721.180, 721.290, 721.615, and 721.975. These amendments are not being promulgated at this time but will be amended as part of the overall review of SNURs. EPA also had proposed a new Subpart which would set forth hazard communication program for persons subject to SNURs. The hazard communication program will also be promulgated at a later date.

### IV. Amendments

#### A. Persons Who Must Report

Section 721.5 describes who must submit a SNUN. The provisions promulgated on September 5, 1984, required each person who intended to manufacture, import, or process a chemical substance subject to a SNUR and intended to distribute the substance in commerce to submit a SNUN. However, persons subject to § 721.5 did not have to submit a SNUN if they: (1) Did not have a reasonable belief at the time of commercial distribution that a customer intended to engage in a significant new use without submitting a notice to EPA, and (2) were able to document that the customer was notified in writing of the SNUR.

The Agency received comments requesting clarification of the responsibility of manufacturers, importers, and processors to submit SNUNs as specified under the provisions of section 5(a)(1)(B) of TSCA and § 721.5(a)(2). This final rule amends § 721.5 so that persons subject to paragraph (a)(2) do not have to submit a SNUN if they can document for each

recipient of the substance one or more of the following:

- (1) They have provided the recipient with notice of the SNUR.
- (2) The recipient knows of the SNUR.
- (3) It is technically or otherwise infeasible for the recipient to engage in the significant new use.

A comment received on the proposed amendment expressed concern that EPA should clarify the scope of the requirement to notify "recipients." At issue was whether the rule would require manufacturers, importers, or processors to notify persons who purchase the SNUR substance from their customers or competitors. The commenter argued that it would be extremely difficult to identify and contact all such "recipients." The commenter suggested the Agency either substitute the term "customer" for "recipient," or define the term "recipient." To address this comment, the term "recipient" has been specifically defined in the final rule in § 721.3. The Agency intends that the "recipient" is a person who obtains the substance directly from the manufacturer, importer, or processor. If the recipient is also a process of the substance, it would in turn have the same obligation with respect to recipients.

Another commenter suggested that the Agency delete § 721.5(d) under which manufacturers and processors must terminate sales to recipients and inform EPA if they learn that the recipients are engaging in a significant new use. The commenter argued that the requirements are not authorized by TSCA, that they have the potential to unnecessarily disrupt ongoing commercial activities and business relationships, and that the requirement to cease distribution to the recipient until after a SNUN has been submitted and reviewed is extremely harsh. The alternative suggested by the commenter was that manufacturers and processors would document all instances of noncompliance with SNUR provisions and work with customers to prevent a recurrence of significant new use violations. Where serious or repeated violations come to the manufacturer's, importer's, or processor's attention, they would have the option of either terminating sales or notifying EPA. In the latter event, the Agency would determine whether sales to the recipient should be suspended.

Under TSCA section 5, EPA has the responsibility to require compliance with SNUR provisions and cannot delegate that responsibility to private citizens. However, to avoid unnecessary commercial disruption, the Agency is

amending § 721.5(d) to allow the manufacturer, importer, or processor an opportunity to work with its customer/recipient if the manufacturer, importer, or processor finds that that person is engaging in a significant new use without having submitted a SNUN. Under the revised § 721.5(d), the manufacturer, importer, or processor must notify (within 15 working days of the time he/she develops knowledge that the recipient is engaging in a significant new use) in writing the recipient and EPA that the recipient is engaging in a significant new use. If, within 15 working days, the recipient states in writing the he/she will not engage in the significant new use, commercial distribution to that person may continue uninterrupted. EPA enforcement authorities will check the recipient's actions to ensure that the significant new use is not occurring. If upon inspection the Agency determines a significant new use is occurring, EPA will then determine whether a SNUN must be submitted. It may be that EPA can work with the recipient to bring him/her into compliance. If the recipient does not come into compliance quickly, EPA will notify the manufacturer, importer, or processor. Upon receipt of this notice, the manufacturer, importer, or processor will be required to cease distribution to that recipient and will not be able to resume such distribution until the manufacturer, importer, or processor submits a SNUN and the notice review period ends. Similarly, if, after receiving a written assurance from a recipient, the manufacturer, importer, or processor determines on its own that the recipient is engaging in a significant new use without submitting a SNUN, the manufacturer, importer, or processor is required to cease distribution to that recipient immediately and to notify EPA enforcement authorities. In that case also, such distribution could not resume until the manufacturer, importer, or processor has submitted a SNUN and the notice review period has ended. Independent of these provisions EPA reserves the right to take an enforcement action against any recipient which is a processor who has violated a SNUR.

Finally, a commenter argued that if EPA insists upon retaining rigid recipient termination requirements it should clarify when "knowledge" occurs. The commenter argued that such knowledge should be imputed to a company only if it comes to the attention of responsible officials capable of appreciating its significance and that it is unrealistic to expect salespersons and other non-regulatory employees to



identify and report deviations from SNUR requirements.

EPA intends to use discretion to enforce § 721.5. A company will be considered to have "knowledge" that a recipient is engaging in a significant new use when an employee of the company, who by the nature of position or responsibility within the company should have knowledge of the SNUR provisions, becomes aware that the recipient is engaging in the significant new use.

#### B. Equivalency Determination

Some SNURs designate manufacturing, processing, or use without specified control measures as a significant new use. The Agency received comments indicating that manufacturers, importers, and processors would like the flexibility to choose the type of protective controls to use for employee exposure and environmental release. The commenters argue that the Agency should either set permissible exposure limits or performance based standards, and should not require specific types of personal protective equipment. While the Agency is interested in developing permissible exposure levels, such limits have not yet been developed and are not within the scope of this rulemaking.

The Agency also received comments that its practice of specifying respirator requirements is in conflict with the Occupational Safety and Health Administration policy that requires engineering controls be used where feasible. To address this problem, the Agency is adding a procedure in new § 721.30 which will allow manufacturers, importers, and processors to propose alternative control measures for human exposure and environmental release. EPA will review the proposed alternative control measures and make a determination whether they provide substantially the same degree of protection as the measures specified in the SNUR. The procedure allows manufacturers, importers, and processors to use work practices or engineering controls rather than specific devices like respirators to control exposure.

Commenters favored the equivalency provision, but questioned whether too much substantiation was required for such a finding. EPA has made the equivalency determination procedures as simple as possible. Section 721.30 requires persons to demonstrate that their intended activities will provide substantially the same degree of protection to health and the environment as the measures identified in a SNUR. The Agency will review and

make a determination upon such requests within 45 days. EPA view the requirements as reasonable and in the public interest. The alternative is for persons to submit a SNUN and wait 90 days for EPA review.

#### C. Research and Development Exemption

This rule specifies requirements for the R&D exemption from SNURs under section 5(h)(3) of TSCA. The R&D exemption requirements established by this rule are essentially the same as the R&D provisions in the PMN rule. Section 5(h)(3) of TSCA exempts from the PMN and significant new use notification requirements small quantities of a substance used solely for R&D, if the manufacturer, importer, or processor notifies persons engaged in the R&D of any health effects associated with the substance.

Section 721.47 was drawn without substantive changes from the R&D exemption provisions in the PMN rule. It is codified separately for SNURs rather than referenced in Part 721 to revise the exemption slightly to reflect SNUR requirements. Because of the similar nature of PMN and SNUR requirements, EPA believes it is important that the R&D exemption for PMNs and SNURs be consistent. Therefore, any substantive change in the SNUR exemption would require an equivalent change in the PMN rule. As part of the April 22, 1986 promulgation, EPA determined through notice and comment rulemaking that the benefits of the provisions for the R&D exemption in the PMN rule outweigh the potential disadvantages. This conclusion is also valid for the R&D exemption requirements in § 721.47.

#### D. Exemptions

##### 1. Applicability of Proposed Rule to Uses Occurring Before Promulgation of Final Rule

In the preambles to previously proposed SNURs, the Agency has stated that section 5(a)(1)(b) of TSCA is best served by determining that a use is a significant new use as of the date of proposal. This interpretation of section 5 reflects the intent of Congress with regard to SNURs; if uses begun during the proposal period of the SNUR were not considered to be significant new uses, it would be difficult for the Agency to establish SNUN requirements because any person could defeat the SNUR by initiating a proposed significant new use before the rule became final.

A person may legally commence an activity designated as a significant new

use in a proposed SNUR. If that person wishes to continue the activity after the SNUR is promulgated and becomes effective, they must stop, file a SNUN, and wait for EPA review of the notice before resuming the activity (assuming the Agency has not taken action under section 5(e) or 5(f) of TSCA). However, it is not the intent of the Agency to unnecessarily disrupt the commercial activities of these persons. EPA therefore proposed that such persons be allowed to comply with a SNUR before the rule is promulgated. If a company were to meet all of the conditions of advance compliance, as specified in the new § 721.45(h) (proposed as § 721.18(h)) the person will be exempt from the requirements of the final SNUR for those activities. It should be emphasized that EPA intends to use its full TSCA authority to control the company's activities, should the Agency determine that such activities will present an unreasonable risk of injury to human health or the environment.

The first requirement for advance compliance with a SNUR is to submit a complete SNUN to EPA. The notice must contain all requisite SNUR data, with limitations described in the applicable proposed SNUR. Any person who submits and advance SNUN for a subject chemical substance will be subject to the general notification requirements of § 721.25, except that the company will not have to submit the notice to the Agency at least 90 days before it begins manufacturing, importing, or processing. However, should the final SNUR be promulgated prior to completion of the Agency's review, the company will be required to cease manufacturing, importing, or processing for the remaining portion of the 90-day period.

A commenter was concerned that voluntary SNUN submitters (i.e., persons using the advance compliance exception) may have to cease manufacturing, importing, or processing for the significant new use if the effective date of the final SNUR occurs before the Agency's 90-day review of the voluntarily submitted notice is complete. The commenter suggested that EPA delay the effective date of all SNURs until 90 days after publication to allow EPA to complete its review of notices voluntarily submitted at any time prior to the promulgation date without a disruption of the commercial activities of those notice submitters.

EPA is aware that, should the final SNUR be promulgated and become effective prior to completion of the Agency's review, the person would be required to cease manufacturing,



importing, or processing for the remaining portion of the 90-day review period. While EPA wants to keep commercial disruption to a minimum and is aware of the fact that the events described by the commenter are possible, the Agency's primary responsibility under TSCA section 5(a)(2) is to develop SNURs quickly and ensure that no significant new uses occur until EPA has reviewed the uses and taken appropriate action. If the Agency were to routinely delay the effective date of all SNURs it would set up a situation where uses involving potentially significant levels of exposure or environmental release could go on even longer before they could be controlled under a SNUR. The Agency wishes to balance its concern for exposure and release with its concern for regulatory impact.

As a matter of policy, EPA favors and will continue to use a short time period between the promulgation and effective dates of minor rules such as SNURs. The Agency believes that the approach adopted in this final rule provides sufficient time for completion of the review period for voluntary SNURs submitted in a timely manner (e.g., 90 days before the effective date). EPA will inform voluntary submitters of the possibility that the final SNUR will be promulgated and in effect before Agency review of their SNUN is completed. This will allow these persons adequate time to plan their activities accordingly. Agency review of voluntary SNURs will be completed as quickly as possible (up to 90 days) to minimize potential disruption of the submitter's commercial activities.

## 2. Section 5(e) Consent Order Exemption

The Agency has added an exemption in § 721.45(i) for persons operating under the terms of a TSCA section 5(e) consent order. If a term of a section 5(e) order applicable to that person is inconsistent with a specific significant new use identified in Subpart E of the part, abiding by the terms of the section 5(e) consent order will exempt the person from submitting a SNUN for that significant new use.

## V. Economic Analysis

Promulgation of these amendments will result in costs to both EPA and industry. However, as will be addressed below, the costs are not expected to be more than without this final rule, and in some cases may be less. Where quantification is possible, the costs associated with each final amendment are discussed. In some cases, only a qualitative discussion is possible. The costs of the relevant sections of

previously proposed SNURs (in the absence of the final amendments) are also discussed.

1. *Section 721.5 Persons who must report.* Companies involved in the manufacture, import, or processing of a SNUR substance will incur costs of compliance with this section. The costs can range from those costs associated with a letter notifying a recipient of the existence of the SNUR, up to the costs of submitting a SNUN (\$1,400 to \$8,000). Additional costs of filing a SNUN may be incurred (up to a 3.2 percent reduction in profits due to delays in manufacturing or processing for Agency review) and EPA costs of regulatory follow-up, if any.

The actual costs of notifying recipients of the existence of a SNUR are expected to be minimal, for example, the cost of sending a letter to each recipient. The Agency believes that most companies will choose to document that recipients know of the rule via a notification letter as it is the least costly alternative.

2. *Section 721.30 Equivalency determination.* Based on comments to proposed SNURs which would require reporting for failure to employ specific worker exposure or environmental release controls, the Agency believes that most companies seeking an equivalency determination will either possess or be able to convert to the alternative provisions or measures for which they are seeking an equivalency determination. In the absence of this amendment, such companies would either have to submit a SNUN (\$1,400 to \$8,000 per SNUN, plus up to 3.2 percent reduction in profits) and/or incur the cost of complying with the controls or measures as specified in the SNUR.

The costs to companies of this amendment will be the development costs of the data submitted to the Agency. This consists of a written justification that the alternative provisions provide at least the same degree of protection. The Agency cannot estimate the exact equivalency development costs at this time. Other costs associated with the equivalency determination involve filing the request for equivalency determination, and delay costs during Agency review. The Agency expects the costs of filing the equivalency notice to be equal to or less than the costs of filing a SNUN, since the information required in a request for equivalency determination is less than that required in a SNUN. In addition, any potential loss in profits due to delays associated with Agency review would be less. Delay costs are estimated to be a 3.2 percent reduction in profits

due to delays in manufacturing and processing during the 90-day Agency review of SNURs. Delay costs associated with an equivalency determination would be half of the delay costs for a SNUN, or a 1.6 percent reduction in profits due to delays during the 45-day Agency review.

Therefore, while the Agency cannot quantify the exact costs, the total costs are expected to be less for an equivalency determination than for submitting a SNUN.

3. *Section 721.45(h) Advance compliance exemption.* The procedures for advance compliance are generally the same as for any SNUN. The manufacturer, importer, or processor must submit a complete SNUN. The costs to the company for filing a SNUN are estimated to be between \$1,400 and \$8,000. However, this notice need not be submitted 90 days prior to commencing manufacture, import, or processing but can be submitted anytime between proposal and promulgation of the SNUR.

The major difference is that if the Agency negotiates with the company to control or limit the significant new use, or does not ban the chemical substance, the company can continue production of the chemical substance without interruption when the SNUR is promulgated, thereby avoiding any loss in profits usually attributed to delays in manufacturing or processing during Agency review. However, if the Agency's 90-day review of the SNUN is not completed by the effective date of the final SNUR, all significant new use activities must cease for the remaining portion of the review period.

## VI. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS-50527A). The record includes basic information considered by the Agency in developing this final rule. EPA will supplement the record with additional information as necessary, and will identify the complete rulemaking record by the date of promulgation. A public version of this record containing sanitized copies from which Confidential Business Information (CBI) has been deleted is available to the public in the TSCA Public Docket Office from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The TSCA Public Docket Office is located in Rm. NE-G004, 401 M St., SW., Washington, DC.

The record includes the following:

1. The proposed rule.
2. Public comments.
3. Response to comment document.
4. This final rule.



5. The economic analysis of this final rule.

## VII. Regulatory Assessment Requirements

### A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore, requires a Regulatory Impact Analysis. EPA has determined that this final rule is not a "major rule" because it will not have an effect on the economy of \$100 million or more, and it will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the total annual cost of compliance with this final rule, for the reasons discussed in this preamble, EPA believes that the cost will be low.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

### B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA has determined that this final rule will not have a significant impact on a substantial number of small businesses. The Agency cannot determine whether parties affected by this final rule are likely to be small businesses. However, EPA believes that the number of small businesses affected by this final rule will not be substantial even if all the potential new uses were developed by small companies.

### C. Paperwork Reduction Act

The information collection requirements contained in Subpart A have been approved by OMB under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number (2070-0012).

The provisions in Part 721, Subpart A clarify existing general conditions under which recordkeeping and/or reporting may be required. The existing recordkeeping and reporting requirements are not significantly changed by the clarifications contained in this rule. Therefore, the Agency has determined that this clarifying rule does not impose any additional recordkeeping or reporting requirements on the public.

Send comments regarding this rule to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

## List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous substances, Recordkeeping and reporting requirements, Significant new uses.

Dated: July 6, 1988.

Lee M. Thomas,  
Administrator.

Therefore, 40 CFR Part 721 is amended as follows:

### PART 721—[AMENDED]

1. The authority citation for Part 721 continues to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

2. Section 721.1 is revised to read as follows:

#### § 721.1 Scope and applicability.

(a) This part identifies uses of chemical substances which EPA has determined are significant new uses under the authority of section 5(a)(2) of the Toxic Substances Control Act. In addition, it specifies procedures for manufacturers, importers, and processors to report on those significant new uses. This subpart A contains general provisions applicable to this part. Subpart B of this part identifies generic requirements for certain significant new uses cross referenced in specific provisions of Subpart E of this part. Subpart C of this part identifies generic reporting requirements for certain significant new uses cross referenced in specific provisions of Subpart E of this part. Subpart E of this part identifies chemical substances and their significant new uses.

(b) This Subpart A contains provisions governing submission and review of notices for the chemical substances and significant new uses identified in Subpart E of this part. The provisions of this Subpart A apply to the chemical substances and significant new uses identified in Subpart E of this part, except to the extent that they are specifically modified or supplanted by specific requirements in Subpart E of this part. In the event of a conflict between the provisions of this Subpart A and the provisions of Subpart E of this part, the provisions of Subpart E of this part shall govern.

(c) The provisions of Part 720 of this Chapter apply to this Part 721. For purposes of this Part 721, wherever the phrase "new chemical substance" appears in Part 720 of this chapter, it shall mean the chemical substance subject to this Part 721. In the event of a conflict between the provisions of Part 720 of this chapter and the provisions of this Part 721, the provisions of this Part 721 shall govern.

3. Section 721.3 is revised to read as follows:

#### § 721.3 Definitions.

The definitions in section 3 of the Act, 15 U.S.C. 2602, and § 720.3 of this chapter apply to this part. In addition, the following definitions apply to this part:

"CAS Number" means Chemical Abstracts Service Registry Number assigned to a chemical substance on the Inventory.

"Customer" means any person to whom a manufacturer, importer, or processor distributes any quantity of a chemical substance, or of a mixture containing the chemical substance, whether or not a sale is involved.

"Metalworking fluid" means a liquid of any viscosity or color containing intentionally added water and used in metal machining operations for the purpose of cooling, lubricating, or rust inhibition.

"Powder or dry solid form" means a state where all or part of the substance would have the potential to become fine, loose, solid particles.

"Principal importer" means the first importer who, knowing that a chemical substance will be imported for a significant new use rather than manufactured in the United States, specifies the chemical substance and the amount to be imported. Only persons who are incorporated, licensed, or doing business in the United States may be principal importers.

"Process for commercial purposes" means the preparation of a chemical substance or mixture containing the chemical substance, after manufacture of the substance, for distribution in commerce with the purpose of obtaining an immediate or eventual commercial advantage for the processor. Processing of any amount of a chemical substance or mixture containing the chemical substance is included in this definition. If a chemical substance or mixture containing impurities is processed for commercial purposes, the impurities also are processed for commercial purposes.

"Process solely for export" means to process for commercial purposes solely for export from the United States under the following restrictions on activity in the United States: Processing must be performed at sites under the control of the processor; distribution in commerce is limited to purposes of export; and the processor may not use the chemical substance except in small quantities solely for research and development.

"Recipient" means any person who purchases or otherwise obtains a



chemical substance directly from a person who manufactures, imports, or processes the substance.

"Site" means a contiguous property unit. Property divided only by a public right-of-way is one site. There may be more than one manufacturing plant on a single site.

"Site-limited intermediate" means an intermediate manufactured, processed, and used only within a site and not distributed in commerce other than as an impurity or for disposal. Imported intermediates cannot be "site-limited."

"Spray application" means any method of projecting a jet of vapor of finely divided liquid onto a surface to be coated; whether by compressed air, hydraulic pressure, electrostatic forces, or other methods of generating a spray.

"Waters of the United States" has the meaning set forth in 40 CFR 122.2.

4. Section 721.5 is revised to read as follows:

#### § 721.5 Persons who must report.

(a) The following persons must submit a significant new use notice as specified under the provisions of section 5(a)(1)(B) of the Act, Part 720 of this chapter, and § 721.25:

(1) A person who intends to manufacture, import, or process for commercial purposes a chemical substance identified in a specific section in Subpart E of this part, and intends to engage in a significant new use of the substance identified in that section.

(2) A person who intends to manufacture, import, or process for commercial purposes a chemical substance identified in a specific section in Subpart E of this part, and intends to distribute the substance in commerce. A person described in this paragraph is not required to submit a significant new use notice if that person can document one or more of the following as to each recipient of the substance from that person:

(i) That the person has notified the recipient, in writing, of the specific section in Subpart E of this part which identifies the substance and its designated significant new uses.

(ii) That the recipient has knowledge of the specific section in Subpart E of this part which identifies the substance and its designated significant new uses.

(iii) That the recipient cannot undertake any significant new use described in the specific section in Subpart E of this part.

(b) A person described in paragraph (a)(2) of this section must submit a significant new use notice if that person has knowledge at the time of commercial distribution of the substance identified in the specific section in

Subpart E of this part that a recipient intends to engage in a designated significant new use of that substance without submitting a notice under this part.

(c) A person who processes a chemical substance identified in a specific section in Subpart E of this part for a significant new use of that substance is not required to submit a significant new use notice if that person can document each of the following:

(1) That the person does not know the specific chemical identity of the chemical substance being processed.

(2) That the person is processing the chemical substance without knowledge that the substance is identified in Subpart E of this part.

(d)(1) If at any time after commencing distribution in commerce of a chemical substance identified in a specific section in Subpart E of this part a person described in paragraph (a)(2) of this section has knowledge that a recipient of the substance is engaging in a significant new use of that substance designated in that section without submitting a notice under this part, the person is required to cease supplying the chemical substance to that recipient and to submit a significant new use notice for that chemical substance and significant new use, unless the person is able to document each of the following:

(i) That the person has notified the recipient and EPA enforcement authorities (at the address in paragraph (d)(1)(iii) of this section), in writing within 15 working days of the time the person develops knowledge that the recipient is engaging in a significant new use, that the recipient is engaging in a significant new use without submitting a significant new use notice.

(ii) That, within 15 working days of notifying the recipient as described in paragraph (d)(1)(i) of this section, the person received from the recipient, in writing, a statement of assurance that the recipient is aware of the terms of the applicable section in Subpart E of this part and will not engage in the significant new use.

(iii) That the person has promptly provided EPA enforcement authorities with a copy of the recipient's statement of assurance described in paragraph (d)(1)(ii) of this section. The copy must be sent to the Director, Office of Compliance Monitoring (EN-342), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

(2) If EPA notifies the manufacturer, importer, or processor that the recipient is engaging in a significant new use after providing the statement of assurance described in paragraph (d)(1)(ii) of this section and without submitting a notice

under this part, the manufacturer, importer, or processor shall immediately cease distribution to that recipient until the manufacturer, importer, or processor or the recipient has submitted a significant new use notice under this part and the notice review period has ended.

(3) If, after receiving a statement of assurance from a recipient under paragraph (d)(1)(ii) of this section, a manufacturer, importer, or processor has knowledge that the recipient is engaging in a significant new use without submitting a notice under this part, the manufacturer, importer, or processor must immediately cease distributing the substance to that recipient and notify EPA enforcement authorities at the address identified in paragraph (d)(1)(iii) of this section. The manufacturer, importer, or processor may not resume distribution to that recipient until any one of the following has occurred:

(i) The manufacturer, importer, or processor has submitted a significant new use notice under this part and the notice review period has ended.

(ii) The recipient has submitted a significant new use notice under this part and the notice review period has ended.

(iii) The manufacturer, importer, or processor has received notice from EPA enforcement authorities that it may resume distribution to that recipient.

(e) Any significant new use notice relating to import of a substance must be submitted by the principal importer.

#### § 721.6 [Redesignated as § 721.11]

5. Section 721.6 is redesignated as § 721.11, and the entire section is revised to read as follows:

#### § 721.11 Applicability determination when the specific chemical identity is confidential.

(a) A person who intends to manufacture, import, or process a chemical substance which is described by a generic chemical name in Subpart E of this part may ask EPA whether the substance is subject to the requirements of this part. EPA will answer such an inquiry only if EPA determines that the person has a *bona fide* intent to manufacture, import, or process the chemical substance for commercial purposes.

(b) To establish a *bona fide* intent to manufacture, import, or process a chemical substance, the person who intends to manufacture, import, or process the chemical substance must submit the following information in writing to the Office of Toxic Substances, Document Control Officer,



TS-790, 401 M St. SW., Washington, DC 20460: ATTN: SNUR *bona fide* submission.

(1) The specific chemical identity of the chemical substance that the person intends to manufacture, import, or process.

(2) A signed statement that the person intends to manufacture, import, or process the chemical substance for commercial purposes.

(3) A description of the research and development activities conducted to date, and the purpose for which the person will manufacture, import, or process the chemical substance.

(4) An elemental analysis.

(5) Either an X-ray diffraction pattern (for inorganic substances), a mass spectrum (for most other substances), or an infrared spectrum of the particular chemical substance, or, if such data do not resolve uncertainties with respect to the identity of the chemical substance, additional or alternative spectra or other data to identify the substance.

(c) If an importer or processor cannot provide all the information required in paragraph (b) of this section because it is claimed as confidential business information by the importer's or processor's manufacturer or supplier, the manufacturer or supplier may supply the information directly to EPA.

(d) EPA will review the information submitted by the manufacturer, importer, or processor under paragraph (b) of this section to determine whether that person has shown a *bona fide* intent to manufacture, import, or process the chemical substance. If necessary, EPA will compare this information either to the information requested for the confidential chemical substance under § 710.7(e)(2)(v) of this chapter or the information requested under § 720.85(b)(3)(iii) of this chapter.

(e) If the manufacturer, importer, or processor has shown a *bona fide* intent to manufacture, import, or process the substance and has provided sufficient unambiguous chemical identity information to enable EPA to make a conclusive determination as to the identity of the substance, EPA will inform the manufacturer, importer, or processor whether the chemical substance is subject to this part and, if so, which section in Subpart E of this part applies.

(f) A disclosure to a person with a *bona fide* intent to manufacture, import, or process a particular chemical substance that the substance is subject to this part will not be considered public disclosure of confidential business information under section 14 of the Act.

(g) EPA will answer an inquiry on whether a particular chemical substance

is subject to this part within 30 days after receipt of a complete submission under paragraph (b) of this section.

#### § 721.7 [Redesignated as § 721.20]

6. Section 721.7 is redesignated as § 721.20, and the entire section is revised to read as follows:

#### § 721.20 Exports and imports.

Persons who intend to export a chemical substance identified in Subpart E of this part, or in any proposed rule which would amend Subpart E of this part, are subject to the export notification provisions of section 12(b) of the Act. The regulations that interpret section 12(b) appear at 40 CFR Part 707. Persons who import a substance identified in a specific section in Subpart E of this part are subject to the import certification requirements under section 13 of the Act, which are codified at 19 CFR 12.118 through 12.127 and 127.28. The EPA policy in support of the import certification requirements appears at 40 CFR Part 707.

#### § 721.10 [Redesignated as § 721.25]

7. Section 721.10 is redesignated as § 721.25, and the entire section is revised to read as follows:

#### § 721.25 Notice requirements and procedures.

(a) Each person who is required to submit a significant new use notice under this part must submit the notice at least 90 calendar days before commencing manufacture, import, or processing of a chemical substance identified in Subpart E of this part for a significant new use. The submitter must comply with any applicable requirement of section 5(b) of the Act, and the notice must include the information and test data specified in section 5(d)(1) of the Act. The notice must be submitted on the notice form in Appendix A to Part 720 of this chapter and must comply with the requirements of Part 720, except to the extent that they are inconsistent with this Part 721.

(b) If two or more persons are required to submit a significant new use notice for the same chemical substance and significant new use identified in Subpart E of this part, they may submit a joint notice to EPA. Persons submitting a joint notice must individually complete the certification section of Part I of the required notification form. Persons who are required to submit individually, but elect to submit jointly, remain individually liable for the failure to submit required information which is known to or reasonably ascertainable by them and test data in their possession or control.

(c) EPA will process the notice in accordance with the procedures of Part 720 of this chapter, except to the extent they are inconsistent with this Part 721.

(d) Any person submitting a significant new use notice in response to the requirements of this Part 721 shall not manufacture, import, or process a chemical substance identified in Subpart E of this part for a significant new use until the notice review period, including all extensions and suspensions, has expired.

8. By adding a new § 721.30 to read as follows:

#### § 721.30 EPA approval of alternative control measures.

(a) In certain sections of Subpart E of this part, significant new uses for the identified substances are described as the failure to establish and implement programs providing for the use of either: specific measures to control worker exposure to or release of substances which are identified in such sections, or alternative measures to control worker exposure or environmental release which EPA has determined provide substantially the same degree of protection as the specified control measures. Persons who manufacture, import, or process a chemical substance identified in such sections and who intend to employ alternative measures to control worker exposure or environmental release must submit a request to EPA for a determination of equivalency before commencing manufacture, import, or processing involving the alternative control measures.

(b) A request for a determination of equivalency must be submitted in writing to the Office of Toxic Substances, Document Control Officer, TS-790, 401 M St. SW., Washington, DC 20460: ATTN: SNUR Equivalency Determination, and must contain:

- (1) The name of the submitter.
- (2) The specific chemical identity of the substance.
- (3) The citation for the specific section in Subpart E of this Part which pertains to the substance for which the request is being submitted.
- (4) A detailed description of the activities involved.
- (5) The specifications of the alternative worker exposure control measures or environmental release control measures.
- (6) An analysis justifying why such alternative control measures provide substantially the same degree of protection as the specific control measures identified in the specific section in Subpart E of this part which



pertains to the substance for which the request is being submitted.

(7) The data and information described in §§ 720.50 (a) and (b) of this chapter unless such data and information have already been submitted to the Office of Toxic Substances, EPA.

(c) Requests for determinations of equivalency will be reviewed by EPA within 45 days. Determinations under this paragraph will be made by the Director, Office of Toxic Substances, or designee. Notice of the results of such determinations will be mailed to the submitter.

(d) If EPA notifies the submitter under paragraph (c) of this section that EPA has determined that the alternative control measures provide substantially the same degree of protection as the specified control measures identified in the specified section of Subpart E of this part which pertains to the substance for which the request is being submitted, the submitter may commence manufacture, import, or processing in accordance with the specifications for alternative worker exposure control measures or environmental release control measures identified in the submitter's request, and may alter any corresponding notification to workers to reflect such alternative controls. Deviations from the activities described in the EPA notification constitute a significant new use and are subject to the requirements of this part.

#### § 721.13 [Redesignated as § 721.35]

9. Section 721.13 is redesignated as § 721.35, and the entire section is revised to read as follows:

#### § 721.35 Compliance and enforcement.

(a) Failure to comply with any provision of this part is a violation of section 15(1) of the Act (15 U.S.C. 2614).

(b) Using for commercial purposes a chemical substance which a person knew or had reason to know was manufactured, imported, or processed in violation of this part is a violation of section 15(2) of the Act (15 U.S.C. 2614).

(c) Failure or refusal to permit access to or copying of records, as required by section 11 of the Act, is a violation of section 15(3) of the Act (15 U.S.C. 2614).

(d) Failure or refusal to permit entry or inspection, as required by section 11 of the Act, is a violation of section 15(4) of the Act.

(e) Violators of the Act or of this part may be subject to the civil and criminal penalties in section 16 of the Act (15 U.S.C. 2615) for each violation. The submission of false or misleading information in connection with the requirement of any provision of this part

may subject persons to penalties calculated as if they never filed a notice.

(f) Under the authority of sections 7 and 17 of the Act, EPA may:

(1) Seek to enjoin the manufacture, import, or processing of a chemical substance in violation of this part.

(2) Act to seize any chemical substance which is being manufactured, imported, or processed in violation of this part.

(3) Take any other appropriate action.

10. Section 721.17 is redesignated as § 721.40, and the entire section is revised to read as follows:

#### § 721.40 Recordkeeping.

Any person subject to the requirements of this part must retain documentation of information contained in that person's significant new use notice. This documentation must be maintained for a period of 5 years from the date of the submission of the significant new use notice.

#### § 721.19 [Redesignated as § 721.45]

11. Section 721.19 is redesignated as § 721.45, and the entire section is revised to read as follows:

#### § 721.45 Exemptions.

The persons identified in § 721.5 are not subject to the notification requirements of § 721.25 for a chemical substance identified in Subpart E of this part, unless otherwise specified in a specific section in Subpart E, if:

(a) The person has applied for and has been granted an exemption for test marketing the substance for a significant new use identified in Subpart E of this part in accordance with section 5(h)(1) of the Act and § 720.38 of this chapter.

(b) The person manufactures, imports, or processes the substance for a significant new use identified in Subpart E of this part in small quantities solely for research and development in accordance with § 721.47.

(c) The person has applied for and been granted an exemption under section 5(h)(5) of the Act.

(d) The person manufactures, imports, or processes the substance only as an impurity.

(e) The person manufactures, imports, or processes the substance only as a byproduct which is used only by public or private organizations that (1) burn it as a fuel, (2) dispose of it as a waste, including in a landfill or for enriching soil, or (3) extract component chemical substances from it for commercial purposes.

(f) The person imports or processes the substance as part of an article.

(g) The person manufactures or processes the substance solely for

export and, when distributing the substance in commerce, labels the substance in accordance with section 12(a)(1)(B) of the Act.

(h) The person submits a significant new use notice for the substance prior to the promulgation date of the section in Subpart E of this part which identifies the substance, and the person receives written notification of compliance from EPA prior to the effective date of such section. The notice submitter must comply with any applicable requirement of section 5(b) of the Act. The notice must include the information and test data specified in section 5(d)(1) of the Act and must be submitted on the notice form in Appendix A to Part 720 of this chapter. For purposes of this exemption, the specific section in Subpart E of this part which identifies the substance and §§ 721.1, 721.3, 721.11, 721.35, and 721.40 apply; after the effective date of the section in Subpart E of this part which identifies the substance, § 721.5 applies and § 721.20 continues to apply. EPA will provide the notice submitter with written notification of compliance only if one of the following occurs:

(1) EPA is unable to make the finding that the activities described in the significant new use notice will or may present an unreasonable risk of injury to health or the environment under reasonably foreseeable circumstances.

(2) EPA and the person negotiate a consent order under section 5(e) of the Act, such order to take effect on the effective date of the section in Subpart E of this part which identifies the substance.

(i) The person is operating under the terms of a consent order issued under section 5(e) of the Act applicable to that person. If a provision of such section 5(e) order is inconsistent with a specific significant new use identified in Subpart E of this part, abiding by the provision of the section 5(e) order exempts the person from submitting a significant new use notice for that specific significant new use.

12. By adding a new § 721.47 to read as follows:

#### § 721.47 Conditions for research and development exemption.

(a) A person who manufactures, imports, or processes a chemical substance identifies in Subpart E of this part for a significant new use identified in Subpart E of this part is not subject to the notification requirements of § 721.25 if the following conditions are met:

(1) The person manufactures, imports, or processes the substance for the significant new use in small quantities solely for research and development.



(2) The manufacturer, importer, or processor notifies all persons in its employ or to whom it directly distributes the chemical substance, who are engaged in experimentation, research, or analysis on the chemical substance, including the manufacture, processing, use, transport, storage, and disposal of the substance associated with research and development activities, of any risk to health, identified under paragraph (b) of this section, which may be associated with the substance. The notification must be made in accordance with paragraph (c) of this section.

(3) The chemical substance is used by, or directly under the supervision of, a technically qualified individual.

(b)(1) To determine whether notification under paragraph (a)(2) of this section is required, the manufacturer, importer, or processor must review and evaluate the following information to determine whether there is reason to believe there is any risk to health which may be associated with the chemical substance:

(i) Information in its possession or control concerning any significant adverse reaction by persons exposed to the chemical substance which may reasonably be associated with such exposure.

(ii) Information provided to the manufacturer, importer, or processor by a supplier or any other person concerning a health risk believed to be associated with the substance.

(iii) Health and environmental effects data in its possession or control concerning the substance.

(iv) Information on health effects which accompanies any EPA rule or order issued under section 4, 5, or 6 of the Act that applies to the substance and of which the manufacturer, importer, or processor has knowledge.

(2) When the research and development activity is conducted

solely in a laboratory and exposure to the chemical substance is controlled through the implementation of prudent laboratory practices for handling chemical substances of unknown toxicity, and any distribution, except for purposes of disposal, is to other such laboratories for further research and development activity, the information specified in paragraph (b)(1) of this section need not be reviewed and evaluated. (For purposes of this paragraph (b)(2), a laboratory is defined as a contained research facility where relatively small quantities of chemical substances are used on a pro-production basis, and where activities involve the use of containers for reactions, transfers, and other handling of substances designed to be easily manipulated by a single individual).

(c)(1) The manufacturer, importer, or processor must notify the persons identified in paragraph (a)(2) of this section by means of a container labeling system, conspicuous placement of notices in areas where exposure may occur, written notification to each person potentially exposed, or any other method of notification which adequately informs persons of health risks which the manufacturer, importer, or processor has reason to believe may be associated with the substance, as determined under paragraph (b)(1) of this section.

(2) If the manufacturer, importer, or processor distributes a chemical substance manufactured, imported, or processed under this section to persons not in its employ, the manufacturer, importer, or processor must in written form:

(i) Notify those persons that the substance is to be used only for research and development purposes.

(ii) Provide the notice of health risks specified in paragraph (c)(1) of this section.

(3) The adequacy of any notification under this section is the responsibility of the manufacturer, importer, or processor.

(d) Quantities of the chemical substance, or of mixtures or articles containing the chemical substance, remaining after completion of research and development activities may be:

(i) Disposed of as a waste in accordance with applicable Federal, State, and local regulations, to the extent the disposal activity is not identified as a significant new use for the substance in Subpart E of this part, or

(2) Used for a commercial purpose, to the extent the use is not identified as a significant new use of the substance in Subpart E of this part.

(e)(1) Persons who manufacture, import, or process a chemical substance under this section must retain the following records:

(i) Copies of or citations to information reviewed and evaluated under paragraph (b)(1) of this section to determine the need to make any notification of risk.

(ii) Documentation of the nature and method of notification under paragraph (c)(1) of this section including copies of any labels or written notices used.

(iii) Documentation of prudent laboratory practices used instead of notification and evaluation under paragraph (b)(2) of this section.

(iv) The names and addresses of any persons other than the manufacturer, importer, or processor to whom the substance is distributed, the identity of the substance, the amount distributed, and copies of the notifications required under paragraph (c)(2) of this section.

(2) [Reserved.]

(Approved by the Office of Management and Budget under control number 2070-0012.)

[FR Doc. 88-16888 Filed 7-26-88; 8:45 am]

BILLING CODE 1560-50-M



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Wednesday, July 27, 1988

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# Guide to Record Retention Requirements

in the Code of  
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U.S. Government Printing Office  
Washington, D.C. 20540

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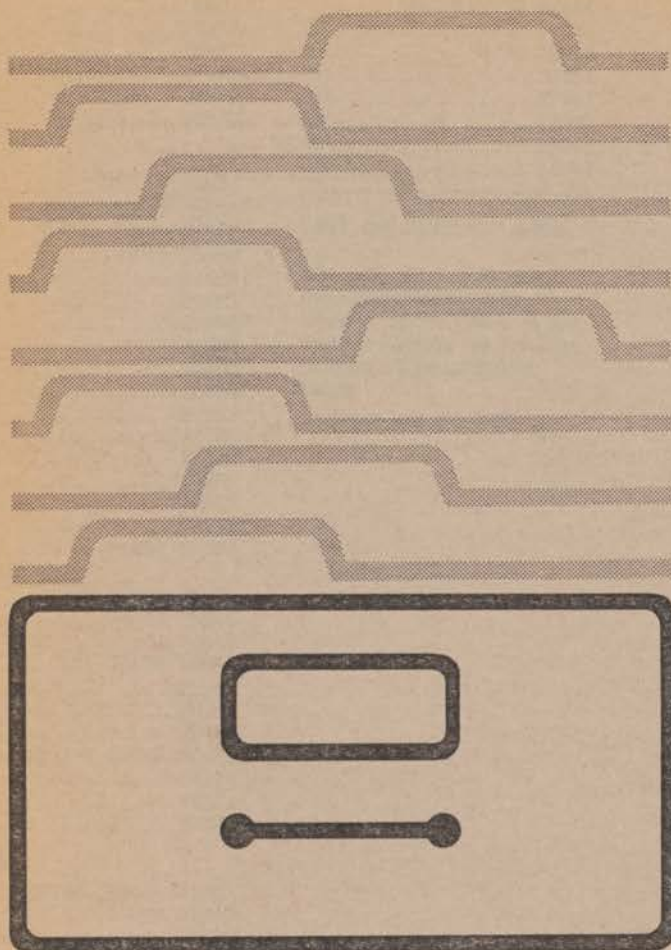
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